

THE INFLUENCE OF COMMISSIONERS' CHARACTERISTICS ON THE EU'S LEGISLATIVE PROCESS



Kira Killermann

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CHARACTERISTICS ON THE EU'S
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DISSERTATION

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“Science and culture are at the very core of the European openness: they enrich us as individuals and they create bonds beyond borders.”

Commission President Barroso in the EU Nobel Lecture
Oslo, 10 December 2012

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Münster, January 2018

Kira Killermann

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1 Introduction

1.1 Puzzle and Research Question

Borders within the European Union (EU) have largely become invisible. A quick indicator that one has entered another country is the incoming text message from one's mobile operator listing the roaming costs for incoming and outgoing calls, texts and data downloads. When comparing these welcome texts over time, one notes that the costs have considerably decreased. While in 2007 the wholesale price of an intra-EU roaming SMS was €0.16 on average, this dropped markedly to €0.04 in the second half of 2009 and is below €0.02 since 2013 (BEREC 2016). This drop is due to a series of regulations introduced by the European Commission aimed at establishing a 'European Home Market' for roaming customers. This was concluded in June 2017, with the abolition of roaming charges. Since then mobile services need to be offered for the domestic price throughout the EU.¹ The elimination of roaming costs is one very tangible change in the life of Europeans travelling across borders, based on an initiative from the European Commission that was enshrined in European legislation.

European legislation now affects many aspects of Europeans' lives. Over time the scope of the EU and its responsibilities have expanded to ever more policy fields. In 1988 the then Commission President Jacques Delors claimed in a speech delivered in the European Parliament that within ten years 80% of the national economic legislation and possibly also tax and social affairs

¹ The European Commissioner for Information Society and Media, Viviane Reding, introduced the Regulations (EC) No 717/2007 and No 544/2009 and her successor Neelie Kroes introduced Regulation (EC) No 531/2012. The development of the regulation of intra-EU roaming is

legislation would originate from European Community legislation.² This figure has since been frequently repeated (Börzel and Risse 2000; Hix 2005: 3; Wallace *et al.* 2010: 9), but has not been empirically corroborated. For Germany, König and Mäder (2008) find that of the laws passed between 1976 and 2005, 26% had a European impetus and for Sweden, Johannesson (2005) estimates this figure to be 30% for the period 1998–2003.³

These numbers highlight the considerable impact of the European level on national-level legislation. It is thus highly relevant to study factors influencing the EU's legislative process. The European Commission is at the heart of the legislative process, as it is the institution with the sole right of formally introducing legislation. It is often likened to an EU government. Its core body – the College of Commissioners – is composed of one Commissioner from each of the EU's member states. However, instead of acting in the interest of the national government that selected them, European Commissioners are formally expected to act in the general European interests. They are tasked to be 'completely independent' of their home countries. And Commissioners take an oath to 'neither seek nor take instructions' from any government or other body when fulfilling their tasks (Article 17(3) Treaty on European Union (TEU)).

Overall, Commissioners thus have a position comparable to that of a government minister on the national level. But while national ministers are in most cases party politicians that are expected to act accordingly (as discussed more thoroughly in the next section), European Commissioners have independence requirements comparable to those of agency executives on the national level. For example, German Federal Commissioners [*Bundesbeauftragte*] are

² EC Bulletin No 2-367/157, 6 July 1988.

³ See Töller (2010) for an overview of research on the Europeanisation of national legislation.

nominated by the federal government and elected by the parliament. Just as European Commissioners, persons nominated for these positions are usually party members, but their terms are not necessarily in line with the parliaments'. They have a mostly advising and monitoring tasks and thus considerably less power than European Commissioners.

This thesis addresses this intriguing discrepancy in the institutional setup of the European Union: European Commissioners are selected by national governments but as soon as they arrive 'in Brussels' they are supposed to forget their origin to act in the European interest. It will be argued that this is easier said than done, even though the European Commission is the Commissioners' primary affiliation – in contrast to ministers in the Council, whose primary affiliation is to their national government.

Overall, it seems unlikely that Commissioners forget their background upon becoming Commissioner and entering their new office in the Berlaymont building. Instead, they are expected to be torn between characteristics contributing to their qualification and selection for the job (such as prior political experience and relation with the nominating government) and the demand of the new job to act in the European interest. For example, when the Commission proposed decreasing new cars' greenhouse gas emissions in early 2008, the German Commissioner for Enterprise and Industry, Günter Verheugen, argued against such targets – presumably to protect Germany's important car industry (Goldirova 2008; Willis 2010b). Based on this argument, the following research question will be answered: *How do Commissioners' characteristics influence their behaviour and consequently the EU's legislative process?*

1.2 The EU's System of Governance

Even though the EU is an international organisation and not a sovereign state,⁴ in most political science research the EU's system of governance is compared to the systems of nation states rather than to other international organisations. Accordingly, a brief overview of the EU system with reference to systems of parliamentary governance as used in the EU's member states will now be provided. The next section will then introduce the European Commission more specifically.

1.2.1 National Systems of Governance

According to its accession criteria – known as Copenhagen Criteria – states wishing to accede to the EU must first and foremost have stable institutions 'guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities' (European Union 2017). Within these broad terms, the EU's member states do display a variety of governance systems. Sixteen of the 28 member states are parliamentary republics, seven are parliamentary constitutional monarchies, four are semi-presidential republics and Cyprus is the only presidential republic.

What they have in common, though, is that in the national systems of governance used throughout the member states, electoral competition is based on the notion that different governments will enact different policies. That is, voters generally expect that the policy proposals of a conservative minister for Labour and Social Affairs will be different from those of a social-democratic minister

⁴ In international law, sovereign states are those with a permanent population, defined territory, one government and the capacity to enter into relations with other sovereign states. International organisations, more specifically international intergovernmental organisations, are made up of sovereign states that are called the member states of the international organisation.

with the same portfolio. People vote for candidates and/or parties and are generally expected to choose those they expect to best represent their preferences in parliament. And given that different parties compete for office, people can hold the government electorally accountable at the next election – by either renewing its mandate or voting it out of office. This provides a motivation for governments to remain responsive to the preferences of the people – which, according to Dahl (1971), is a key characteristic of democracy.

In the parliamentary systems of governance, the prime minister is selected based on the results of the latest election. Accordingly, the head of government is usually the leader of the party winning the most votes in the most recent election. The other executive government positions are filled with persons from the ruling party or coalition of parties. It is thus 'natural' that their party membership is an important selection criterion for ministers. Generally, governing parties are giving these important cabinet positions to their members instead of nominating a member of another party – even if that person might be better qualified for the job.

There is then often a reciprocal dependency between the executive and the legislature. On the one hand, parliament legitimises and scrutinises government, often reserving the power to remove government from office through a vote of no confidence. This parliamentary accountability of the governments is a key feature of responsible government. It includes that parliament has the power to question government ministers on the parliamentary floor. On the other hand, under certain conditions government can dissolve parliament and call an election.

1.2.2 The European Commission in the EU's System of Governance

In the governance system of the EU, the role of the European Commission is often likened to that of an executive ('the government'), while the European Parliament (EP) and the Council are compared to a dual legislature. At the heart of the European Commission is the College of Commissioners (hereafter referred to as 'the College') with one Commissioner per member state. Every Commissioner is responsible for a specific policy portfolio, such as Trade or Energy. Commissioners' tasks include the following six powers and responsibilities (Nugent 2006: 166; summarised similarly by Schmidt and Wonka 2012): 'proposer and developer of policies and legislation, executive functions, guardian of the legal framework, external representative and negotiator, mediator and conciliator, and promoter of the general interest'. Most relevant for answering the main question is the Commission's role as the EU's legislative agenda setter, that is, its power to present legislative proposals to the other legislative institutions to change the *status quo* (cf. Tsebelis 2002). To fulfil these responsibilities, Commissioners engage in different behaviours, such as delivering speeches to various audiences, answering written questions from the EP, coordinating with their cabinet staff to develop policy proposals, meeting with their fellow Commissioners in the College to approve of legislative proposals or meeting with members of the other institutions in '*trialogues*' to find solutions to disagreements that might arise during the legislative process.

Even though the Commission is a powerful executive, elections to the European Parliament are not as much centred on the question of who will form the next Commission as national election campaigns are centred on the next government. Instead, Commission Presidents were mostly chosen in intergovernmental bargains. The link between the make-up of the executive and the results of the

direct elections to the EP, which are being held every five years since 1979, was strengthened over time. Since the Lisbon Treaty entered into force in 2009, governments are officially tasked to consider the results of the EP election when nominating the Commission President and the EP's approval is now required before a new Commission takes office.⁵

In addition to the Commission President, there are 27 Commissioners all together making up the College of Commissioners. Commissioners are nominated by member state governments and just like national ministers are usually experienced party politicians. Most Commissioners are members of a party that is in government in their home country at the time of appointment and have held prior political positions at the national level.

Another important feature of executives is how they are held accountable. As the EP elections do not have as direct an impact on policymaking as national elections, the Commission is hardly electorally accountable. The entire College of Commissioners is institutionally accountable to the EP, which can pass a motion of censure. The threat of such a motion was sufficient in 1999 when the whole Santer Commission resigned over allegations that one of its members behaved fraudulently, as there was no possibility at the European level to dismiss individual Commissioners. Consequently, the accountability of individual Commissioners was increased. All members of the subsequent Prodi Commission confirmed in their respective parliamentary hearings that they would be willing to resign at the President's request. This was encoded in the Lisbon Treaty (Article 17(6) TEU), stating that 'a member of the Commission shall

⁵ Article 17(7) TEU: 'Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission.'

resign if the President so requests'. This provision was first used in 2012, when President Barroso asked John Dalli to resign as European Commissioner for Health and Consumer Policy over the bribery of a business associate who allegedly tried to sell access to Commissioner Dalli to change the EU tobacco regulations.

1.2.3 The Need to Reform the European Commission

In many respects the European Commission is indeed comparable to the national governments in the member states. However, in some respects it is clearly falling short. Since the Commission is not elected, it is not electorally accountable and therefore its democratic legitimacy is also questionable. In addition, the current principle of having one Commissioner per member state results in a College that has more members than any of the member state governments – even though the Commission staff is smaller than that of Malta's central government (European Commission 2017; International Labour Organization 2017). The need to create a portfolio for 'Multilingualism' when Romania and Bulgaria acceded in 2007 often serves as an illustration that there are more Commissioners than sensible portfolios.

Accordingly, calls to reform the Commission have come up before. In the wake of '*Brexit*', this discussion about the EU's institutional setup is likely to regain momentum.⁶ The first reform would require an improvement of the Commission's democratic legitimacy, for example, by connecting its composition more closely to the outcomes of the elections to the EP. Secondly, the size of the College needs to be reduced. While this is already enshrined in the Treaties, the cut has been repeatedly postponed.

⁶ 'Brexit' became the term widely used for the planned withdrawal of the United Kingdom from membership in the EU.

There is a long-standing debate on whether the EU suffers from a 'democratic deficit', with the 'unelected, technocratic bureaucrats' in the Commission at the centre. A key argument is that there can be no EU-wide democracy – literally rule '*kratos*' by the common people '*demos*' – as there is no single European *demos* that could rule the EU (Weiler *et al.* 1995). Also the lacking electoral contest for the political direction of the EU is seen by many as a key reason to label it as having a democratic deficit. For Hix, the absent electoral contest for power and policy in the EU is the 'missing element' (2008: 76), turning the EU governance system into a form of enlightened despotism rather than a democracy. Thomassen *et al.* (2009) have likened the Commission to an 'enlightened technocracy' as national parliaments – the true sites of democratic legitimacy – are not involved in selecting the Commission and its President.

In contrast, there are some prominent EU scholars, who do not think that the EU suffers from a democratic deficit (Majone 1998, 2000; Moravcsik 2002, 2004; as discussed by Follesdal and Hix 2006). In their opinion, the EU should not be held to the same standards as national systems of governance. According to Moravcsik, the democratically accountable national governments are still central actors in EU policymaking, which is thus sufficiently accountable. For Majone, the EU is best understood as a regulatory state, aiming to produce Pareto efficient policies (some win, no one loses) and not redistributive policies (some win, some lose). All moves to reduce the alleged democratic deficit would decrease the EU's capacity to act in this way. He argues that it is most important to increase the EU's credibility through improving transparency (Majone 2000).

One advance towards strengthening the electoral connection between the results of the EP elections and the ensuing nomination of a new Commission was made in 2014. Each European Party Group (EPG) nominated a frontrunner (the German term

'*Spitzenkandidat*' was widely used for those selected) as their candidate for the job of Commission President during the campaign for the European election in May 2014. This was a bold move by the EP, as the Treaties only provided that the results of the last election should be 'taken into account' when nominating the new Commission (Article 17(7) TEU), but no role for the EPGs was established there. This move resulted in open conflict between the EP – making clear that none other than the *Spitzenkandidat* of the victorious EPG would get their required vote of confidence – and some member state governments. This conflict over the nomination attests to the importance of the Commission and the political dimension of its nomination.

An additional point of criticism is the size of the College of Commissioners. Accordingly, the reduction of the number of Commissioners has frequently been suggested and the Lisbon Treaty of 2007 includes the provision that the number of Commissioners should be reduced to two-thirds of the number of member states. However, for political reasons this cut has been postponed. Especially smaller member states fear they would lose an important voice in the EU if they were not represented in the College of Commissioners – despite the prerogative to work in the European interest.⁷

In the context of such reforms, knowing how characteristics on which Commissioner selection is based affect how Commissioners act in office is very relevant. The focus will be on two prominent characteristics of European Commissioners, that is, their nationality and their membership in a political party. If Commissioners mostly act according to partisan interests, this would provide an additional

⁷ The issue of too many portfolios is to some extent addressed in the current Juncker Commission by creating project teams of several Commissioners working under the leadership of Vice-Presidents.

argument to further tighten the electoral link. This would possibly move the Commission closer to a traditional party government, increasing its democratic legitimacy. In addition, strengthening the electoral link might also provide for a way to reduce the number of Commissioners, with the make-up of the Commission eventually reflecting the make-up of the EP. If, however, national interests prevail, both of these envisaged reform steps might be harder to realise as losing its Commissioner would indeed mean that a member state is losing an important voice in the EU's legislative process.

1.3 How Can the Research Question Be Answered?

A Commissioner's nationality and membership in a political party are two characteristics central in the nomination process. Previous research found that most Commissioners are members of a political party that is in government at the time of appointment (Wonka, 2007). How do these Commissioner characteristics influence their behaviour and consequently the EU's legislative process? This section introduces possible data sources that are available to analyse the effect of these characteristics on Commissioner behaviour and the inter-institutional relations in the legislative process.

1.3.1 Anecdotes

There is anecdotal evidence that Commissioners are sometimes acting in line with the national interests of their home countries, which possibly results in Commission-internal conflict. When an Italian government decree allowed local authorities to deport Romanian immigrants in late 2007, for example, this reportedly resulted in a heated discussion between Leonard Orban and Franco Frattini (The Economist 2007). The former – the European Commissioner for Multilingualism from Romania – demanded that

the latter – the European Commissioner for Justice, Freedom and Security from Italy – speed up a Commission-sanctioned probe into that decree. A second example from 2007 is László Kovács, the European Commissioner for Taxation and Customs Union from Hungary. In an interview, Kovács openly accused his colleague Charlie McCreevy from Ireland (European Commissioner for the Internal Market) of ‘representing the national interests of Ireland’, publicly reminding him of his role and duty to represent the community interests (Kubosova 2007). Another interesting example is Dacian Cioloş, the European Commissioner for Agriculture in the second Barroso Commission. He is a Romanian national without party affiliation, but due to his close ties to France (he studied there and has a French wife), French President Sarkozy celebrated his appointment to this important portfolio as a ‘second victory for France’ (Alexe 2011). More regularly, national sensitivities are heightened in the Commission during the quarterly infringement meetings, when it is decided whether action should be taken against member states for infringements of EU law. It is claimed that in those meetings Commissioners regularly weigh in to defend their home country and in some cases do so on the basis of detailed government briefings (The Economist 2007).

In addition to these national ties, Commissioners are themselves well aware of their partisan affiliations. When asked in an interview whether he should have suspended his membership in the German Social Democratic Party (SPD) during his term as European Commissioner, Günter Verheugen denied, as according to him ‘every member of the Commission is also a politician’ (Etzold, 2014, own translation). Correspondingly, the two big European political parties – the conservative European People’s Party (EPP) and the social democratic Party of European Socialists (PES) – actively emphasise their parties’ links to the Commission. Both highlight how many members of the incumbent Juncker Commission belong to

their respective political family (14 EPP Commissioners and eight PES Commissioners) and how close the relationship to ‘their’ Commissioners is (EPP 2017; PES 2017).

Similarly, in news coverage of Commissioners their respective nationality and party membership are included. It is most often the national media in the respective home country that also include references to party affiliation. For example, the Swedish *Expressen* wrote on ‘*Svenska EU-kommissionären, socialdemokraten Margot Wallström*’ (Hedlund and Karlsson 2009) and the German *Welt* on the ‘*deutsche EU-Kommissar Günter Verheugen (SPD)*’ (Die Welt 2007). When covering other Commissioners, it is mostly nationality that is being mentioned. Examples of this are when the British *Telegraph* reported on ‘Ireland’s EU Commissioner, Charlie McCreevy’ (Rayner 2008) or the Dutch *NRC Handelsblad* reported on the ‘*Italiaanse eurocommissaris Frattini*’ (Dijksterhuis and Wiersma 2008). Even media outlets focusing on the EU use these characteristics to portray Commissioners, for example, when writing on ‘the Latvian Commissioner’ Andris Piebalgs (Euractiv 2005) or ‘the Dutch Liberal politician’ Neelie Kroes (Willis 2010a).

1.3.2 Minutes of Commission Meetings

While these anecdotes are helpful illustrations of the dynamics this thesis seeks to analyse, more encompassing sources are required for systematic analyses. The go-to source to measure Commissioner behaviour is the minutes of the College meetings. Minutes of College meetings are available since 2001. However, the College minutes are not verbatim, so that it is not possible to trace the initial stances of individual Commissioners and how these developed during the discussion into a common stance of ‘the Commission’. In the action minutes, only the outcomes on the different agenda points are summarised. Also, the rare votes taken in the College are not recorded, so that the records of College meetings provide little

insight into Commissioner behaviour. This is in line with the principle of collegiality that applies to decisions taken by the College (i.e. once a decision is taken all Commissioners are expected to back it publicly regardless of their initial position). This principle would be hard to uphold if all initial positions and disagreements were part of the public record.

1.3.3 Speeches

A directly observable behaviour of individual European Commissioners is the speeches they publicly deliver to various audiences. In this case, Commissioner behaviour can be observed directly and clean transcripts are available.⁸ Here, Commissioners themselves provide information on planned initiatives and provide arguments for their position. Even though speeches might also be written by members of a Commissioner's *cabinet*, it can generally be expected that these are in line with the Commissioner's perception and how topics are framed informs the audience about the position. Accordingly, a first step towards answering the research question will be made by analysing how the positions European Commissioners take in speeches change over time.

1.3.4 Voting Records

An indirect way to observe the positioning of Commissioners is to analyse the reaction of others to their proposals. In order to enact legislation, the Council and the EP need to vote on the legislative proposals tabled by the Commission. By identifying the primarily responsible Commissioner for each legislative proposal, the votes of the other actors can be put in relation to the proposing Commissioner. It can thus be analysed whether the characteristics of

⁸ True verbatim transcripts also contain transcriptions of false starts, stutters and non-verbal utterances like 'uhm' etc., which are not included in clean verbatim transcripts.

the proposing Commissioner affect the vote choice of the EP and Council. In this thesis, the central research question will also be answered by analysing voting records.

1.4 Plan of the Thesis

In chapter 2 the formal rules within which the European Commission operates will be described, stressing the nomination process and the ordinary legislative procedure. Throughout the entire study, the focus will be on the characteristics and behaviour of individual Commissioners and how these affect intra- and inter-institutional relations. Chapter 3 then takes a step back from these concrete descriptions of the rules to develop more abstract models of intra- and inter-institutional decision-making. While most models of EU decision-making assume that the Commission is a unitary actor, the model developed here will allow the views of Commissioners to vary. The nomination process will be discussed using a principal-agent framework. After that, different role conceptions of Commissioners are discussed to highlight the different factors influencing Commissioner behaviour. Subsequently, Commissioners' jobs after appointment are described, focusing on their role in the legislative process and different modes of Commission-internal preference aggregation. Then, the perspective is broadened by analysing the relationship between the Commission on the one hand and the Council and the EP on the other hand. The preferences of the Council and the EP are important constraining factors on the Commission's agenda-setting power and accordingly a Commissioner needs to take these preferences into account when aiming for the adoption of a proposal.

Chapter 4 discusses the data availability as well as the empirical implications of the theory presented in chapter 3. It derives testable hypotheses on the behaviour of individual Commissioners and on the vote choice of the other institutions. That is, why the positions

Commissioners take in speeches vary over time and when member states in the Council and members of the EP are expected to contest a Commissioner's legislative proposal.

In chapter 5 the focus will be on position taking in Commissioner speeches and the role that the national electoral environment, European policies and global political developments play in this regard. The speeches held by members of the first Barroso Commission will be analysed using the word-frequency-based text-positioning algorithm Wordfish.

In chapters 6 and 7 the focus will be on answering the question of how far the vote choice of member states in the Council and members of the EP depends on the nationality and partisanship of the responsible Commissioner. Chapter 6 will analyse voting in the Council and chapter 7 will analyse voting in the EP. In chapter 6, the votes on 687 contested legislative proposals will be analysed. The Council voted upon these proposals between 1999 and 2014, that is, during the terms of the Prodi and the two Barroso Commissions. In chapter 7, roll-call votes from the fifth though the seventh EP terms will be analysed.

The findings for both institutions are comparatively discussed before conclusions are drawn in chapter 8.

1.5 Scientific Contribution

By focusing on the effect characteristics of individual Commissioner have on legislative decision-making, the research presented in this thesis thus improves our understanding of the Commission. It discusses in how far Commissioners can be understood as politicians, acting in a normal political system – instead of as technocrats acting in an international organisation. By analysing whether political parties provide for linkages between the Commission and the other legislative institutions of the EU, the

importance of political parties on the European level can be discussed. In doing so, it can also be assessed whether political parties link the European people to the Commission as European executive in a chain of accountability. By discussing in how far the Commission is part of such a chain, the thesis contributes to the discussion about the EU's alleged democratic deficit. In addition, a principal-agent model is applied to the relationship between member states and Commissioners. Accordingly, the results can be used to assess whether Commissioners are truly agents of all member states – as envisaged by the treaties – or whether there is a special relationship with their home countries.

The empirical analyses make additional critical contributions. Using Commissioner's speeches as a data source to advance the academic knowledge on the influence of individual Commissioners is a direct response to Deckarm and Selck's (2015) suggestion to do so. Furthermore, this serves to test the usefulness of automated text analysis methods to trace changing (non-ideological) positions of individuals over time. Regarding the data on Council and EP voting, the foremost contribution of this thesis lies in linking back vote choices to characteristics of the proposing Commissioner for the first time. In addition, original datasets were compiled for the analyses, combining well-established academic datasets with other previously untapped sources. This results in analyses that allow insights for time periods that are longer and/ or different from those of previous studies using Council or EP voting data, respectively.

2 RULES AND PROCEDURES

This chapter summarises the rules and procedures governing the Commission organisation and its appointment and how these changed over time. It shows how nationality and membership in a political party are important factors in the nomination of individual Commissioners. Member state governments are still driving the nomination process, but the EP as representative body has gained influence over time. Given the research interest in the legislative process, it also describes how legislative proposals are prepared within the Commission and how the ordinary legislative procedure works that turns these proposals into legislation.

The institutional setup, rules and procedures of the European Union are laid down in the Treaties. The Paris Treaty of 1951 founded the European Coal and Steel Community (ECSC). In 1957 the Treaties of Rome were signed – the Treaty establishing the European Economic Community (TEEC) and the Treaty establishing the European Atom Energy Community (Euratom Treaty). Henceforth, there were three different executive bodies for the three original Communities: the High Authority for the European Coal and Steel Community, the Commission for the European Economic Community and the Commission for Euratom. The Treaty reforms that followed during the subsequent decades changed this original setup.

The Merger Treaty of 1965 combined the Communities' institutions but kept the Communities legally independent. Since then, there is a single European Commission. The first major treaty revision through the Single European Act (signed in 1986, effective in 1987), which focused on the creation of a single market, did not result in noteworthy changes to the Commission. The following four treaty reforms resulted in changes to the powers, size, composition, term

and appointment procedure of the European Commission.⁹ The Treaty on European Union was signed in Maastricht in 1992, became effective in 1993 and combined the three Communities into today's European Union. Since Maastricht, the two most important treaties were the Treaty on European Union (TEU) and Treaty on European Community (TEC). The Amsterdam Treaty (signed in 1997, effective in 1999) focused on establishing an area of freedom, security and justice. In preparation for the EU's Eastern enlargement, the Treaty of Nice (signed in 2001, effective in 2003) concentrated on institutional reform. Most recently, the Lisbon Treaty (signed in 2007, effective in 2009) extended the EP's powers, formally established the European Council and further reformed the institutional setup. Currently, the most important treaties for the European Union are the amended Treaty on European Union (TEU, OJ C 202 (2016)) and the Treaty on the Functioning of the European Union (TFEU, OJ C 202 (2016)).

2.1 Commission Organisation

The headquarters of the Commission are located in Brussels and in Luxembourg. The Secretariat General is housed in the Berlaymont building in Brussels. The Commission President's office as well as the Commission's boardroom – where the weekly College meetings on Wednesday morning are generally held – can be found on the thirteenth floor of that building. At the beginning of 2017 there were 32,578 Commission staff (European Commission 2017). Two-thirds of the staff are based in Belgium, about 12% are based in Luxembourg, 10% in the other EU countries and the remaining 12% are serving in the Commission's more than 120 delegations all over the world.

⁹ The current Treaty provisions establishing the Commission can be found in Part Six, Title I, Chapter 1, Section 4, TFEU.

Comparisons to the sizes of national public administrations put these numbers into perspective. The EU member state with the smallest central government staff for which data from the International Labour Organization is available is Malta, with a staff of 36,000 in 2010 (International Labour Organization 2017). However, when putting it in relation to its total population of 414,000 in that year, the unitary state Malta actually has the largest central government relative to the general population: 8.7% of all Maltese were employees of central government in 2010. Another unitary state, France, had the largest central government in absolute terms, with 2.7 million employees in 2006 (i.e. 4.4% of its 61 million inhabitant). Germany – a federal state – had the relatively smallest central government in 2010, with 570,000 of more than 81 million Germans (0.7%) being employed by the central government, further decreasing to 0.58% in 2014. As can be seen from these figures, the size of the Commission staff in relation to the number of citizens it serves is rather small. When adding the roughly 6,000 people employed by the EP and the 3,500 Council staff, 8 in every 100,000 of the EU's 508 million inhabitants are working for the major EU institutions (0.008%).

Organisationally, today's European Commission is composed of different layers. The political core is the College of Commissioners, bringing together all Commissioners. References to 'the Commission' often actually mean the College (see also European Commission 2011b; just as references to 'the government' on the national level often mean the cabinet ministers). A personal *cabinet* supports each Commissioner and is comparable to special advisers to ministers in the national context. A *cabinet* provides coordination between the Commissioner and the respective department as well as between Commissioners. It generally has six or seven members with at least three different nationalities and either the head or deputy head of cabinet must have a nationality different from the Commissioner's. Then, there is the bureaucratic layer. Directorates-

General (DGs; 'departments') and Services are responsible for specific policy fields. One Commissioner is politically responsible for each of the bureaucratic units. Originally there were nine Commissioners and nine DGs. Currently, there are 28 Commissioners, 31 DGs, 16 service departments and 6 executive agencies.

The Commission President heads the Commission.¹⁰ The powers of the Commission President were strengthened over time. The Amsterdam Treaty established that the Commission 'shall work under the political guidance of its President' (Article 219 TEC) and the Nice Treaty specified that all Commissioners shall carry out their responsibilities under the President's authority (Article 217(2) TEC). The 'political guidance' principle was abolished in the Lisbon Treaty and was replaced with the President's task to provide guidelines for the Commission's work (Article 17(6.a) TEU). Since the European Council was formalised as an institution with the Lisbon Treaty, the Commission President is also a member of that institution. The European Council brings together the Heads of State or Government of the member states and is responsible for defining general political directions and priorities of the Union (Article 15 TEU). Correspondingly, the President is the Commission's most important representative in meetings with the other EU institutions. Externally, he also represents the EU at G7 and G20 summits and in trade negotiations, for example.

Also the President's role in the composition of the College of Commissioners was strengthened (as discussed more thoroughly in section 2.2.2). He is now formally involved in the nomination of 'his' College and is responsible for allocating the portfolios to individual Commissioners, having the power to reshuffle the College during his term. However, the swiftness with which member states tend to

¹⁰ Until now there have only been male Commission Presidents.

announce their nominees after the President is agreed upon raises doubts on how far these formal powers translate into the real world process (Nugent 2006: 154). Furthermore, since the Nice Treaty, the Commission President can request an individual Commissioner to resign after obtaining approval from the College (Article 217(4) TEC).

Within the College, there is a distinction between ‘regular’ Commissioners and Vice-Presidents. Several Commissioners serve as Vice-Presidents in addition to their responsibilities for their respective portfolios. The Lisbon Treaty created the office of the High Representative of the Union for Foreign Affairs and Security Policy (HR). The holder of this position is a member of the Commission and a Vice-President *ex officio* (Article 18(4) TEU). It was first filled in 2009. With the inauguration of the Juncker Commission in 2014 came some organisational changes to the College of Commissioners (European Commission 2014b). This College has one First Vice-President, the HR and five additional Vice-Presidents without a specific portfolio who oversee project teams of ‘portfolio Commissioners’ (Becker *et al.* 2016; European Commission 2014a).¹¹

2.2 Commission(er) Appointment

2.2.1 Term and Size of the College

Initially, the Commission’s term was four years, which was extended to five years by the Treaty of Maastricht. The EP proposed to the Intergovernmental Conference (IGC), tasked with preparing the Treaty reform, to link the term of the Commission to that of Parliament to strengthen the relation between the two institutions (as discussed by Duff *et al.* 1994). This proposal was taken up, and the

¹¹ This organisational change was not mandated by the member states through Treaty provisions but rather the result of Commission-internal considerations.

terms of the European Parliament and Commission were brought into alignment during the nomination of the Santer Commission following the 1994 EP election. Since then a new European Commission is appointed six months after the election to the EP is held.

Also, the number of Commissioners has changed over time. The Treaty of Rome set the number at nine members with at least one from each of the six founding member states and a maximum of two Commissioners per state. This rule was implemented as one Commissioner for each of the smaller Benelux states and two each for Italy, Germany and France. With the first four enlargements in 1973, 1981, 1986 and 1995, respectively, that distinction between smaller and larger states was maintained, with the UK and Spain each getting two positions in the Commission and the remaining seven newer member states each getting one position. After its fourth enlargement in 1995 (Austria, Finland and Sweden acceded) the EU thus had 15 member states and 20 Commissioners. With negotiations for accession of many more member states under way, the Amsterdam Treaty reduced the number of Commissioners to one per member state.

When the accession of ten new member states in 2004 was in progress, a 'Protocol on the enlargement of the Union' was annexed to the Treaty of Nice. It kept the 'one Commissioner per member state' principle but also provided that the first new Commission taking up duties after the accession of the twenty-seventh member state should have fewer Commissioners. After signing the accession treaty with the twenty-seventh member state, the Council should unanimously agree on the number of Commissioners and a rotation system that treats the member states equally and in a way that each Commission reflects the 'demographic and geographical range of all the Member States of the Union' (12001C/PRO/01). With the Lisbon

Treaty the number of Commissioners was set at two-thirds of the number of member states and the request for the rotational system was enshrined in the Treaties (Article 244 TFEU). Declaration 10 annexed to the Treaty specifies that the Commission shall ensure that the political, social and economic realities of all member states, including those with no national serving as member of the Commission, are addressed by appropriate organisation arrangements. However, a European Council Decision (2013/272/EU) in 2013 has paused these considerations and instead continued the one Commissioner per member state principle. In the decision's preamble this move is justified with reference to the Irish Referendum on the ratification of the Lisbon Treaty, where 'losing' the Irish Commissioner featured prominently in the campaign to vote against the Treaty (e.g. Bruton 2008). This decision is to be reviewed 'in sufficient time' before either the thirtieth member state accedes or the successor Commission of Juncker I takes office.

2.2.2 Development of Appointment Procedures

Concerning the appointment of the European Commission, the TEEC originally established in 1957 that 'the members of the Commission shall be appointed by common accord of the Governments of the Member States' (Article 158 TEEC) and that the same procedure should be used to appoint the President and the Vice-Presidents (Article 161 TEEC). Informally, governments were first agreeing on a Commission President, before each member state nominated its Commissioner. Then, the whole group was voted upon. Accordingly, only the member state governments were involved in the appointment process and unanimity was required. This granted every member state government the right to block the nomination of the new Commission.

After the Maastricht Treaty was signed in 1992, the procedure started with the member state governments agreeing on a

Commission President. The EP was then asked for a non-binding opinion on the designated Commission President, before the formal – unanimous – nomination by the member state governments. In the second stage the member state governments nominated their candidate Commissioners and the designated Commission President issued a non-binding opinion on them. Starting with the Santer Commission in 1995, the EP used its role in the process to demand designated Commissioners to appear before the appropriate EP committee for ‘hearings’, modelled on the U.S. Senate hearings on presidential nominations for executive positions. In the third stage, the designated President and Commissioners as a body were subject to a vote of approval by the EP, where a simple majority was sufficient. Finally, the entire Commission was ‘appointed by common accord of the government of the Member States’ (Article 158(2) TEC).

The Amsterdam Treaty of 1997 further strengthened the position of the EP and the designated Commission President. In the first stage, the EP was also allowed to vote on the nominated Commission President. In the second stage, the member states were obliged to act by common accord with the designated Commission President to nominate the other Commissioners. The Nice Treaty of 2001 abolished the unanimity requirement in the Council. Since then, a qualified majority is sufficient both in the first stage to nominate the Commission President and in the third stage to appoint the entire Commission. Additionally, it is the first Treaty to mention the Council (‘meeting in the composition of Heads of State or Government’ (Article 214(2) TEC)), as an actor in Commission appointment, instead of ‘governments of the Member States’.

The current appointment procedure is laid down in Article 17 of the Treaty on European Union, which was signed in 2007. It adds the provision that the elections to the EP should be taken into account

when proposing a candidate for President of the Commission (Article 17(7) TEU). According to Declaration 11 attached to the Lisbon Treaty, the EP and the European Council are 'jointly responsible for the smooth running of the process leading to the election of the [Commission] President'. It provides that the two institutions should consult following arrangements determined by common accord between both. Furthermore, the European Council is formalised as an institution with this treaty and accordingly it is now responsible for proposing a candidate Commission President and appointing the Commission, acting by a qualified majority. Moreover, for the first time Article 17(7) TEU clarifies what to do should the candidate Commission President fail to obtain the required majority in the EP (a qualified majority of the European Council should propose a new candidate within one month). Especially the provision that the results of the EP election should be considered in Commission nomination affected the nomination of the Juncker I Commission – the first to be appointed under the new rules. Figure 2.1 summarises how the appointment process developed over time.

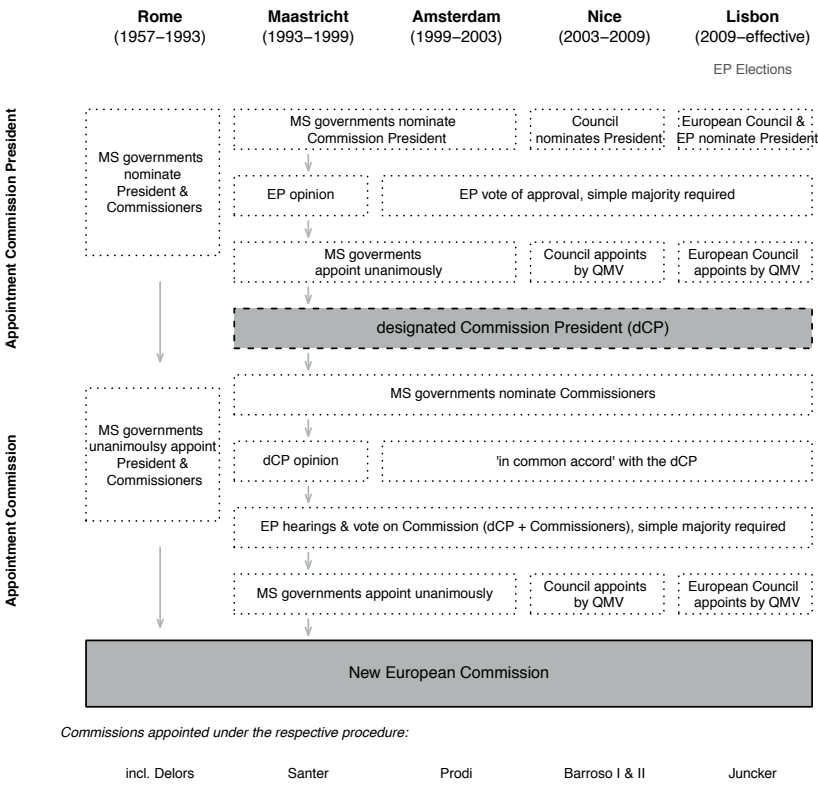


Figure 2.1 – Development of the Commission Appointment Process over Time

Regarding the question who can be appointed as Commissioner, the Treaty of Rome laid down that nationals of member states can be chosen as Commissioner 'on ground of their general competence' and if their independence is beyond doubt (Article 157 TEC). The Treaty on European Union added that Commissioners should be committed Europeans (Article 17(3) TEU). In the general interest of the Union, Commissioners should be independent in the performance of their duties and should 'neither seek nor take' instructions from any government or any other body. Until the Nice Treaty the Treaties also included a provision reminding the member states to respect the 'independency principle' and not to influence the Commissioners. Commissioners are also prohibited to have any other occupation – whether gainful or not – during their term in office. Following their term in office, Commissioners are subject to a cooling-off period. During this time, Commissioners are required to obtain permission before taking up a new occupation if that is 'related to the content of the portfolio of the Commissioner' (European Commission 2011a: 4). This requirement was established in the Code of Conduct for Commissioners in 1999. Originally, it was valid for one year. This period was extended to 18 months in 2004.

To illustrate the appointment procedure under the Nice rules, the appointment of the first Barroso Commission will be sketched. In November 2004 a new Commission was scheduled to be appointed following the May EP election. Member states were expected to announce their candidate at the June European Council meeting.¹² However, the emerging favourites Guy Verhofstadt and Chris Patten faced opposition – from the UK and France, respectively – and the alternative candidate José Manuel Barroso was only nominated on a

¹² To clarify, the European Council had been one of the configurations of the Council (bringing together the Heads of State or Government), before it became an institution in its own right in 2007.

special summit. After the nomination by the European Council, the EP accepted the President by simple majority on 22 July 2004. Following the parliamentary hearings, the EP made clear that it deemed the Italian and Latvian nominees unsuitable and threatened to vote down the entire candidate Commission. To avoid this, Rocco Buttiglione and Ingrida Udre were withdrawn and replaced by Franco Frattini and Andris Piebalgs, respectively (Moury 2007). The Commission was then approved by Parliament on 18 November 2004, and took office on 22 November.

The appointment of the second Barroso Commission in 2009 can serve as an illustration of the interaction between member state governments and the designated Commission President during the appointment process. Member states try to lobby the President to ensure their candidate gets a 'good' portfolio (i.e. one that deals with policies central to the nation's interest). In 2009 the re-nomination of the liberal Neelie Kroes by the Dutch government seems to have (partially) been driven by Barroso's promise of more important portfolios to those member states nominating women and liberals (Crombez and Hix 2011). Kroes became Vice-President of the Commission, responsible for Digital Agenda. The cases brought against Microsoft (Court of First Instance, Case T-201/04) and Intel (SPEECH/09/241) under her control earned her a lot of respect (Karabell 2015).

Finally, the 2014 nomination process illustrates the current rules. In 2014, the EP interpreted Article 17 TEU proactively. Each of the EPGs nominated a '*Spitzenkandidat*' ['frontrunners'] for the position of the Commission President in the 2014 EP election. The EP then made clear that only the *Spitzenkandidat* of the winning group would get the required parliamentary approval to become Commission President. This led to conflict between the EP and member state governments (Christiansen 2016: 1000). Especially the British Prime

Minister David Cameron was fiercely opposed to the EP choosing the Commission President; so much so that he published an opinion piece in several European newspapers criticising the new procedure (Cameron 2014). According to him, accepting the claim that the European electorate had elected Jean-Claude Juncker (the *Spitzenkandidat* of the conservative EPP, which won the most votes) as Commission President would undermine the EU's democratic legitimacy. Nonetheless, Juncker was elected as President on 15 July 2014, and his College was approved on October 22.

Just as the appointment process is regulated in the Treaties, so is the Commission's resignation. The general rule has remained intact since the Treaty of Rome (Article 160 TEEC):

If any member of the Commission no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Council or the Commission, compulsorily retire him.

In addition, Article 144 TEEC included the right of the Assembly, as the EP was originally called, to pass a motion of censure on the activities of the Commission. The Commission needs to resign as a body if the motion gets two-thirds of the votes, representing a majority of the members of the Assembly. The Maastricht Treaty added the provision that the term of the replacement Commission ends when the term of the replaced Commission would have ended, keeping the Commission's term in line with that of the EP. As discussed previously, since the Nice Treaty, the Commission President can request an individual Commissioner to resign after obtaining approval from the College (Article 217(4) TEC). And since the Lisbon Treaty, '[t]he Commission, as a body, shall be responsible to the European Parliament' (Article 17(8) TEU).

When considering the nomination and appointment process, national governments are thus in the driver's seat (cf. Wonka 2007: 171). It is

the national governments that propose 'their' candidates and approve the candidates of the other member states. Even if a nominee is rejected during the process, no other actor but the government is in a position to propose an alternative candidate. However, the role of the EP and the designated Commission President were strengthened in successive Treaty reforms. The Maastricht reform was the first to give these actors a formal role. Legally the EP has no power regarding individual candidates or portfolio allocation and can only vote on the entire Commission. Still, candidate Commissioners have been withdrawn and Colleges have been reshuffled following parliamentary hearings.

The *Spitzenkandidaten* system as implemented in 2014 reduced the influence of governments. While Cameron argued that this decreased the EU's democratic legitimacy by restricting the power of the directly elected and accountable national governments, others argued this enhances the EU's executive accountability and thus decreases the democratic deficit (Schmitt *et al.* 2015). This system strengthens the chain of delegation from voters to elected representatives to the executive (in the EU case, the Commission and especially its President) and then on to executive departments (Commission DGs) and civil servants (cf. Strøm 2000: 267). With the Parliament demanding a stronger role in appointing the executive, the EU becomes even more akin to a 'normal' system of parliamentary government.

Also, the Treaties call for independent, committed Europeans as Commissioners. Appendix A shows who were deemed to fulfil these criteria and were thus members of the Commissions that will be analysed in later chapters. Reducing the number of Commissioners below the number of member states would further emphasise the need for independent European Commissioners. The fact that this cut has been repeatedly delayed bears witness to the conflict

potential of a member state not being 'represented' in the Commission. Accordingly, knowing what characteristics impact Commissioner behaviour would provide valuable insights for the composition of future Colleges.

2.3 Commission Powers

Schmidt and Wonka (2012: 337) paraphrase the Commission's powers as being the key actor in EU trade politics, providing political impulses for European integration, monitoring the compliance of member states with EU legislation and having an important role in legislative policymaking. Trade is one of the oldest and arguably most successfully integrated policy sectors of the EU (Meunier and Nicolaïdis 1999) and the Commission has the power to negotiate and enforce trade relations with the rest of the world (for a review from a political science perspective see Poletti and De Bièvre 2014). However, its power is not unchallenged and in the fields of services and intellectual property its was restricted, and Gastinger (2016) argues that the Council recently tried to even out previous information asymmetries in favour of the Commission.

Regarding its role for European integration, Pollack (2003) has argued that the Commission is one of the 'engines of integration'. He argued that this is to some extent based on the institutional self-interest of maximizing the Commission's powers and to some based on ideology (Pollack 2005: 36). In addition, the Commission is tasked with monitoring the implementation of and the compliance with EU legislation in the member states. Should the Commission find this to be insufficient, it can sanction deviations or incomplete transpositions. Empirical studies find, amongst others, that the Commission is more likely to initiate infringement proceedings the more it disagrees with the contents of a directive (Thomson *et al.* 2007) and that the Commission often opens infringement cases

against member states notifying pre-existing measures as their transposition efforts (Zhelyazkova and Yordanova 2015).

For the remainder of this thesis, the last of these functions is most relevant: For most policy fields the Commission is the EU's legislative agenda setter and the sole institution that may formally propose legislation. Every year the European Commission publishes a work programme in which it spells out the legislative initiatives it plans to introduce in the upcoming year. Thereby it substantiates the guidelines set by its President.

In policy areas such as the Euro, Common Freedom and Security Policy and the Area of Freedom, Security and Justice it shares legislative agenda-setting powers with the European Council or the Council. And even though the Commission is the only institution that can formally introduce legislation, other actors might request legislation. The Treaties provide that both the EP (Article 225 TFEU) and the Council (Article 241 TFEU) can request that the Commission adopts a proposal; should it fail to do so, reasons need to be provided. In addition to the institutions, the Lisbon Treaty introduced the possibility of a citizen's initiative (Article 11 TEU/ Article 24 TFEU). To be successful, one million citizens from 'a significant number' of member states need to sign the initiative on which the Commission then needs to act. Until now, there were three successful initiatives. Rulings of the Court of Justice of the European Union and international agreements are additional 'external' sources of legislation.

2.4 Intra-Institutional Decision-Making

Before its adoption, a legislative proposal passes multiple stages in the Commission. To start with, one DG is assigned to be the lead department for each legislative proposal. Accordingly the corresponding Commissioner is primarily responsible and multiple Commissioners might be jointly responsible, where a proposal touches upon multiple policy fields.¹³ On the administrative level the lead DG can then decide to interact informally with other DGs (a process that becomes increasingly institutionalised in 'inter-service groups'). Since 2006 it is then mandatory to conduct an impact assessment. This contributes to the active and early coordination of services.

In a next step, the lead DG must formally initiate an inter-service consultation. Here, 'concerned' DGs are consulted for their opinion on the planned initiative. It is the lead DG's discretion to decide which other DGs it deems concerned by the initiative. The concerned DGs then have approximately four weeks to approve of the proposal as is, approve of it with comments or issue a disapproving '*avis négatif*'. Comments need to be included or attached as open points, whereas an *avis négatif* could possibly result in the withdrawal of a proposal. The Secretariat General possibly acts as a mediator between the lead DG and the 'opposing' DG. According to interviews conducted with Commission officials, the bureaucratic DGs generally prefer solving most points by themselves but sometimes the political level is strategically involved if it is deemed to be more promising for

¹³ For example, Commissioners Poul Nielson (Development & Humanitarian Aid), Chris Patten (External Relations) and Günter Verheugen (Enlargement) were jointly responsible for the 'Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation and economic cooperation' (2004/0220/COD).

the cause (Hartlapp *et al.* 2010). The lead DG has an important role in drafting the legislative proposal.

On the political level, there are three fora through which a proposal might go. The meeting of Special Chefs brings together those members of the Commissioners' cabinets who are responsible for the matter of hand. In preparation for the College meetings on Wednesdays, the Heads of Cabinet meet on Monday with the same agenda. If unanimous agreements can be reached in these 'Hebdo' meetings, the topic is included as an *A* point on the College agenda, otherwise it is a *B* point.

Finally, to be adopted by 'the Commission', legislative proposals need to be approved by the College of Commissioners. According to its Rules of Procedure (European Commission 2011b), there are four decision-making procedures in the European Commission leading up to the final decision in the College: oral, written, empowerment and delegation. The 'oral procedure' refers to a discussion of the proposal in the College meetings where a vote might be taken upon request, although even there a proposal is usually adopted by consensus. A proposal made under the 'written procedure' is distributed to all Commissioners and deemed to be accepted if no reservations are made within a certain time limit (cf. European Commission 2010). Under the 'empowerment procedure', one or more Commissioners are empowered to act on the Commission's behalf. Finally, under the 'delegation procedure' the adaption of management and administration measures is delegated to Director-Generals or heads of department. The oral and written procedures are the most important procedures. The written procedure is well suited for uncontroversial proposals. If all the directly involved DGs and the Legal Service are in agreement and none of the other Commissioners requests a discussion, acts are adopted. In contrast, the oral procedure allows for debate, indicates a higher level of

internal conflict and is thus used for potentially controversial issues. For example, during the term of the Prodi Commission less than 20% of the legislative proposals were subject to the oral procedure in the Commission (Wonka 2008b: 150).

As discussed above, the Commission has a relatively small staff and thus depends on external experts for the development of policies (Bouwen 2009; Haverland and Liefferink 2012; van Schendelen 2002). Wide consideration of private interests with broad constituencies during policy development provides the Commission proposal with legitimacy in the legislative process. Accordingly, before formally introducing a legislative proposal, the Commission has several instruments at its disposal to discuss the issues it wants to address with the new legislation. The Commission can start with the release of a Green Paper, presenting ideas on a topic that might then be developed into more concrete proposals in a later White Paper. The Commission can also hold public consultations online, in which it states its regulatory plans and then asks for input.

Interest groups readily meet the Commission's demand for technical and operational expertise. It is well known among lobbyists that the earlier they can express their interests in the legislative process the better. Early lobbying is deemed to be most effective as it is easiest to have an impact or change a position as long as there is no formal proposal – thus, at the preparation stage in the Commission (Bouwen 2009: 20). As soon as there is a formal proposal, the other institutions become involved (see section 2.3) and also the focus of lobbying shifts away from the Commission to the Council and the EP. Especially online public consultations are considered to be one of the easiest forms of access for interest groups to lobby the Commission (Quittkat 2011).

Given the intention of influencing the policymaking process as early as possible, lobbyists also seek to address lower hierarchical levels

in the Commission first, as they are involved from the beginning. Also, the Commission committees are important access points. The consultative committees include representatives of private interests and provide substantial input during policy development. On the DG level, there is regular interaction with the corresponding private interests, and the lead DG for a proposal is a prime lobby target. Accordingly, Broscheid and Coen (2007) found that the DGs that deal with policies for which the EU has most competencies are especially lobbied.

Concerning the tactics that are chosen to convey their messages, in the beginning quickly getting the message across is key. Here, lobbyists perceive themselves as early warning systems and chose a phone call or an email over a well-orchestrated campaign (Chalmers 2013: 52). Later in the process, different tactics targeting a variety of decision-makers might be used to 'have the right message for the right audience' (Chalmers 2011: 479). Likewise, based on interviews with lobbyists de Bruycker (2016) finds that the message is adapted to the recipient – with the Commission receiving more technical details and members of the European Parliament (MEPs) receiving more political information.

However, the lobbying process should not be understood as a one-way process with the lobbyists sending and the Commission only receiving. It is an interaction in which lobbyists who provide useful information can be rewarded, while 'babblers' (i.e. those who always provide their standard recommendation) (Gilligan and Krehbiel 1987; 1989) are punished. Broscheid and Coen (2007: 350) argue that the Commission rewards informative lobbyists with privileged access to institutionalised fora for interest representation such as committees and working groups. Chalmers (2013, p. 49) empirically finds that lobbyists have more frequent access to the Commission if they provide technical details or information on the feasibility of a

proposal. To stay in contact with stakeholders of the policy field, Commissioners regularly attend stakeholder meetings or organise conferences or press briefings where they deliver speeches to provide information on the process and their positions.

The Commission aims to be transparent about its contacts with lobbyists and has established a Transparency Register, which has been in operation since 2011. In this register, citizens find information about organisations representing particular interests at the EU level. At the end of 2015, 8,981 such organisations had registered themselves (Joint Transparency Register Secretariat 2016). The Transparency Register's predecessor, the Commission's database on Consultation, the European Commission and Civil Society (CONECCS) registered groups participating in Commission committees or hearings on a voluntary basis had only 749 entries (Wonka *et al.* 2010).

2.5 Inter-Institutional Decision-Making

Once the Commission – with the support of interest representatives – has formulated and adopted a legislative proposal, the other institutions become involved to turn this proposal into legislation. Within the EU, there are different legislative decision-making procedures, and which procedure applies depends on the policy area. Over time, more policy areas have moved from procedures requiring unanimous approval in the Council to 'communitarian' procedures with qualified majority voting (QMV) in the Council and EP involvement.

Since the Treaty of Lisbon became effective in late 2009, there are only two types of legislative procedures in the EU: the 'ordinary legislative procedure' and 'special legislative procedures'. The former co-decision procedure was renamed ordinary legislative procedure and the former consultative, cooperation and assent

procedures are now subsumed under the heading of the special procedures. The co-decision procedure was introduced in the Maastricht Treaty of 1992. At that time, the procedure was mostly applicable to internal market policies previously governed by the cooperation procedure, as well as newly Europeanised policy areas, including transport networks, culture, education and health. In 1997 the Treaty of Amsterdam brought more than 40 additional policy fields under the auspices of the co-decision procedure, including employment, development cooperation and environment. The Treaty of Nice, in 2001 added justice and home affairs to the co-decision policy fields. Ultimately, the Treaty of Lisbon established co-decision as ordinary legislative procedure. The ordinary legislative procedure consists of up to three readings by the EP and the Council of a legislative proposal introduced by the Commission. Under this procedure the Council and the EP are closest to what Crombez (2000) calls 'genuine co-legislators' in that the approval of both institutions is required for legislation to pass.

The legislative process (summarised in figure 2.2) starts when the College of Commissioners adopts a proposal on the basis of either of the internal decision-making procedures described above. That proposal is then submitted to the EP and the Council. In the EP the proposal is referred to the committee responsible for the proposal's policy field. The committee assigns a rapporteur to the proposal. The rapporteur is the MEP responsible for a given legislative proposal. The relevant committee can ask the Commission to defend legislative proposals during committee debates. Before the committee votes on amendments, the Commission is asked for its position on the amendments. Based on the committee report, the EP then discusses and votes on the proposal in plenary. During the plenary debate the attending Commissioner (not necessarily the responsible Commissioner) explains the Commission's position on amendments. The Commission's position is prepared by the

responsible DG and approved by the College prior to the debate. With its vote, the EP can accept the proposal as is or propose changes. According to Article 293(2) TFEU the Commission may change or withdraw its proposal as long as the Council has not acted on it yet. Therefore, the Commission may adopt a 'modified proposal' following the first reading in the EP, already incorporating some or all amendments proposed by the EP.

Then it is the Council's turn to act on the proposal in its respective first reading. A proposal can be adopted by QMV and changed only unanimously. Accordingly, EP amendments that are already incorporated into a modified proposal are easier to accept (QMV) than those that did not get the Commission's support (unanimity). And if the Council agrees with the EP – neither institution proposes changes or the Council accepts the EP amendments – the proposal is adopted. Since the Treaty of Amsterdam, the co-decision procedure can be concluded after the first reading. If the Council and the EP seek to adopt a proposal at first reading, 'trialogues' might be convened, usually bringing together the EP rapporteur, and possibly shadow rapporteurs, the working party of the Council and the responsible Commission department, supported by the Secretariat-General. The Commission's role in such meetings is that of a mediator and editor.

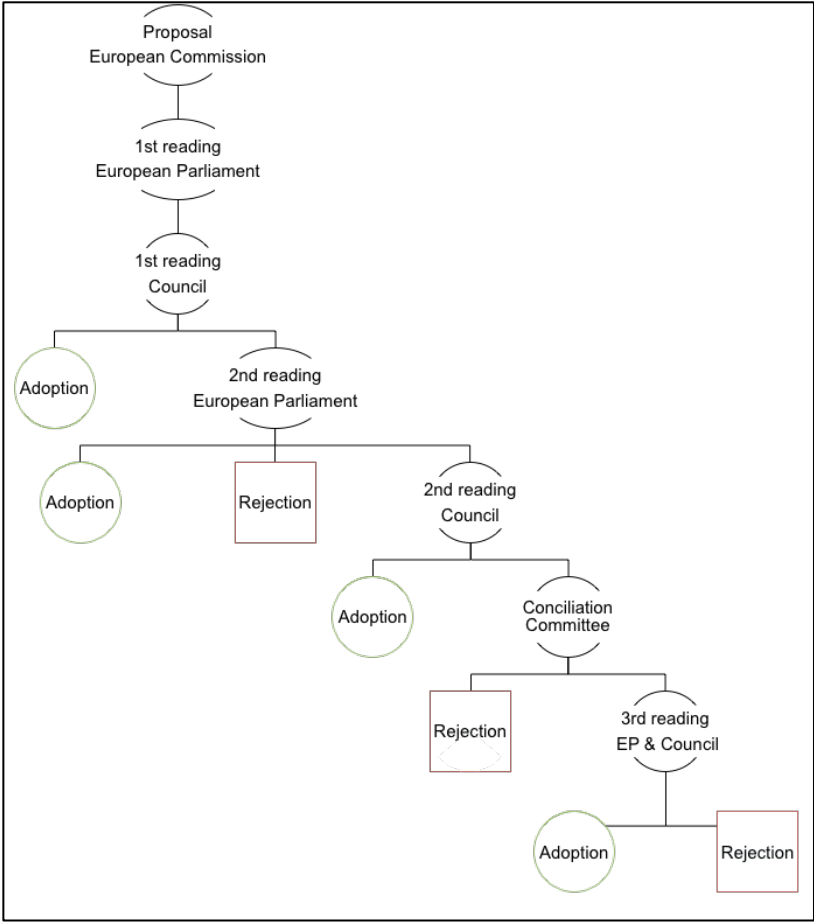


Figure 2.2 – The Ordinary Legislative Procedure

If the Council disagrees with the EP, the proposal is returned to the EP for a second reading. In the second reading, the Council's first reading position becomes the basic document instead of the Commission proposal. The Commission to some extent thus loses 'ownership' over the proposal and hence can no longer stop the process by withdrawing its proposal. Before the relevant EP committee votes, the committee chair or the rapporteur might be asked to discuss the proposed EP amendments in the presence of Council representatives and the responsible Commissioner. And prior to the vote in plenary, the President of the Parliament can ask the Commission if the proposed amendments are acceptable. If this is done, the responsible Commissioner then explains the Commission position on the amendments in plenary before the vote is taken. The EP can adopt the proposal by approving the Council's first reading amendments, end the procedure by rejecting the amendments or propose more amendments itself, which results in a second reading in the Council.

Before passing the text to the Council for its second reading, the Commission is required to deliver a written opinion on the EP amendments. Like 'modifying' the proposal after the EP's first reading, this has consequences for the voting procedure in the Council. An EP amendment on which the Commission issues a positive opinion can be adopted by QMV, whereas the Council needs unanimity to adopt an EP amendment on which the Commission issues a negative opinion. If a second reading agreement seems possible, a triilogue meeting can be convened. In case the Council approves of the proposed amendments, the proposal is adopted, whereas a conciliation committee will be convened if not all amendments are accepted.

The conciliation committee is composed of an equal number of EP and Council representatives, as well as the Director-General of the

responsible Commission department, supported by Commission experts, and its legal service and administration. In the conciliation committee, the Commission acts as a facilitator to aid the EP and the Council to reach an agreement. If the committee can agree on a joint text, the EP and Council vote on the joint text in their respective third reading. If the conciliation committee fails to reach an agreement, the procedure ends. Should the proposal be rejected at any point in the process, it can only be revived through a new Commission proposal.

In the fifth EP (1999–2004; EP5), 42% of legislative proposals were brought under the co-decision procedure, this share rising to 49% in EP6 (2004–2009) and reaching 89% in EP7 (2009–2014; Pittella *et al.*, 2014). Since the term of EP5, the last year of the term is the one in which most co-decision files are adopted, and the EP's environment committee is the committee with most co-decision files. Between EP5 and EP7, the legislators were increasingly successful at ending the procedure early (European Parliament 2013). Whereas in EP5, 28% of the 405 co-decision files were adopted in first reading and an additional 24% in second reading, these figures stood at 81% and 8%, respectively for the 317 files decided in the first three years of EP7. While overall the time it takes to reach agreement for co-decision files has dropped from 24 to 19 months, reaching first reading agreement took longer in EP7 (16 months) than it did in EP5 (11 months).

As becomes evident from this description of the procedure, the institutions are in frequent contact during the process, even if it is the other institution's turn to act on the proposal. This shall reduce surprises and smoothen the process. Even though the Commission's most important formal task is to initiate the process by adopting a legislative proposal, it stays involved in the process. Its powers to decide on the merit of the EP amendments especially influence the

remaining procedure. But its involvement as mediator in the trialogues and possible conciliation committees also show its important role as providing expertise to the EU's decision-making process. As much as possible, it is also the responsible Commissioner or the responsible DG that stays involved in the process, testifying to how invested these actors are expected to be in a legislative proposal they made.

These descriptions of the rules and procedures show that the European Commission has become an important political institution in the EU's system of governance. The College of Commissioners is at the Commission's core and has the political responsibility for its actions. Being the primarily responsible Commissioner for a legislative proposal is an important source of Commission-internal power. The primarily responsible Commissioner is also responsible for interacting with the other institutions on that proposal. This interaction might have become increasingly important given the rise of first reading agreements, when the Commission still 'owns' the proposal. Furthermore, the Commission President has an outstanding role and member state governments do not shy away from public conflict over candidates. This conflict attests to the importance of the Commission. If member states pay such close attention to whom they appoint, this is expected to influence the appointee's behaviour in office. Accordingly, in the next chapter the appointment process will be modelled using a principal-agent framework, before modelling the legislative process in order to analyse how the preferences of the responsible Commissioner might influence the location of the proposals she makes in the policy space.

3 THEORY

The nomination process described in the previous chapter can be systematically understood and analysed using a principal-agent framework. This chapter starts by introducing the rationale of principal-agent models before discussing their usage in the context of the EU. A principal-agent model is then applied to Commissioner selection, paying special attention to the preferences of individual Commissioners. It is then discussed how these individual-level preferences of Commissioners can be aggregated into one Commission position. Based on that Commission position, inter-institutional decision-making in the legislative process is modelled.

3.1 Principal-Agent Models of Delegation

The principal-agent model was originally developed to study the relationship between elected officials and bureaucrats (Bendor 1988; Bendor *et al.* 2001; Mitnick 1975; Waterman and Meier 1998). Since then, the model has been widely used in other contexts to, for example, conceptualise the relationship between voters and politicians (Downs and Rocke 1994; Ferejohn 1986) or member states and international organisations (Hawkins *et al.* 2006; Vaubel 2006). The general idea is that one actor – the principal – delegates authority to another actor – the agent. Delegation in the principal-agent framework is based on the assumption that delegation lowers transaction costs for the principal. Instead of investing the resources in managing the details of some contract themselves, principals choose to put agents in place to act on their behalf. That is, the agent is expected to handle the delegated tasks more efficiently than the principal.

Even though the principal-agent framework expects benefits of delegation, delegation is expected to be neither costless nor unproblematic. Instead, finding and monitoring the agent causes 'agency costs' for the principals. In addition, problems of adverse selection and moral hazard arise (Kiewiet and McCubbins 1991). Adverse selection refers to the problems arising when the agent possesses private information prior to appointment, which can result in the principal misjudging the agent's preferences. In the national context, empirical studies of delegation often use partisanship as a measure of preferences and preference divergence across institutions (cf. Epstein and O'Halloran 1996; Huber and Shipan 2002; Volden 2002). Furthermore, characteristics such as socialisation or professional background were found to be important in explaining political preferences and decisions of politicians (as discussed in Hartlapp and Lorenz 2012). A candidate-agent might have a track record in one policy field but is then appointed to another policy field and even though a (partisan) principal expects the candidate to act in a way that is in line with his or her partisan preferences also in the second policy field, the candidate already knows prior to appointment that this will not necessarily be the case. For example, while principal and agent might agree on the need to expand social policies, they might disagree on how to finance this expansion. In contrast, the problem of moral hazard arises when the agent gains private information after appointment, that could possibly result in the agent diverging from the principal's preferences (cf. Weingast and Moran 1983). It refers to whether or not agents choose to always act in the principals' interests, when having the possibility to use their authority in ways that further the agent's preferences but are not intended by the principals.

The principal-agent model is based on the rational choice literature. One important rationale for delegation is that the agent is expected to perform the delegated task more cost-efficiently than the principal

could. Accordingly, principals are not always perfectly informed about the actions of their agents (Hölmstrom 1979). If agents were constantly monitored, most of the efficiency gains of delegation could not be realised. In turn, this limits the principals' capacity to control their agents. Agents typically have more information concerning their performance and this information asymmetry can cause agency drift in case preferences diverge. That is, the agents could exploit the information asymmetry in such a way that the outcome is closer to the agent's instead of the principal's preferences. Accordingly, controls that help principals to assess the performance of their agents are built into all delegation processes. In the context of Congressional control of the executive branch in the US, McCubbins and Schwartz (1984) have prominently made the distinction between centralised, active and direct 'police-patrol' oversight and decentralised and passive 'fire-alarm' oversight. Whereas Congress actively scrutinises the actions of the executive agencies in the former case, it waits for other concerned parties to sound the alarm in the latter case. While these controls serve to minimise the problems of delegation, they are also increasing agency costs.

3.2 Delegation to the European Commission

Studies of delegation in the EU mostly apply principal-agent models to the transfer of authority from the member state principals to supranational agents, especially in the case of the European Commission, EP and European Court of Justice (Pollack 1997). Besides lowering transaction costs and increasing policymaking efficiency, there is an additional rationale for delegation in the context of the EU: to signal the member states' credible commitment to the project of European integration by limiting their own decision-making power in favour of communitarian decision-making (Franchino 2005; Pollack 2006). Overall, the autonomy granted to supranational agents on the EU level varies across time and issue

areas and depends on factors such as member state preferences, the distribution of information and decision-making mechanisms required to adapt agency design (e.g. Franchino 2004).

In the case of the European Commission, the appointment represents the initial delegation of authority from the member state governments (principals) to the Commissioners (agents). Pre-appointment screening can help member states minimise the problems of delegation. The risk of adverse selection (i.e. misjudging the agent's preferences prior to appointment) in the context of Commissioner appointment can especially be reduced. Here, a candidate's experience in previously held positions, in which she gained 'political visibility', helps in the assessment of her capabilities and preferences, as Döring (2007) and Wonka (2007) describe. An agent's individual characteristics provide important cues for the principals and it is generally expected that the principal-agent relationship is better if both share some characteristics.

3.2.1 Commissioner Preferences

In the literature, there are diverging expectations concerning the Commission's preferences. Tsebelis and Garrett (2000: 16) expect that different filters and self-selection mechanisms result in a pro-integrationist Commission. They argue that those with real political power will likely stay in their home country and at the same time member states prefer getting a more important portfolio by nominating an independent but important Commissioner instead of a party soldier who might be marginalised. In line with the credible commitment motivation for delegation, Majone (2001) has argued that governments choose pro-integrationist 'implementers' to signal their nation's commitment to the European project. However, some challenge the expectation of Commissioners as pro-integrationist preference outliers.

Some authors argue that we should expect member states and Commissioners to have similar preferences. Due to the elaborate selection process, Hug (2003) expects the nomination of Commissioners who are faithful agents to the member state principals. Accordingly, Commission preferences would merely mirror Council preferences. This is in line with Crombez' (1997a) expectation that the preferences of the Commission should be located within the range of member state preferences (see also Franchino 2000). Likewise, Hörl *et al.* (2005) argue that Commissioners can most appropriately be perceived as national agents, with the selection mechanism ensuring preference similarity between a government and the Commissioner it nominates. Still, while the Commission might clone the Council at the individual level during the entire term, this does not have to be true in aggregate as both institutions use different internal decision-making rules (cf. Napel and Widgrén 2008: 23).

According to the rational choice literature, actors are assumed to have a preference ordering over alternative outcomes. Earlier studies (Egeberg 2006; Wonka 2008a) have discussed different 'roles' Commissioners might take, which can be understood as different possible preference orderings. Just as these studies did, the current thesis will depart from the notion that the Commission is a unitary actor with homogenous preferences. Instead, it conceptualises the Commission as a collegiate actor composed of individual Commissioners with diverging preferences.

Egeberg (2006) has distinguished four roles (commission, portfolio, party and country) that Commissioners might invoke. In distinguishing these roles, preferences are central but also the organisational environment¹⁴ is expected to influence role choice.

¹⁴ According to organisational theory, an actor's behaviour can be better understood when the organisational context is considered. The context

First, Egeberg argues that as the Commission is the primary affiliation of its members,¹⁵ the 'default' role is the 'Commission role'. In this role collective Commission interests are dominant. Commissioners invoking this role in College meetings would thus prefer whatever option is best for the entire institution of the Commission. Commissioners acting accordingly come closest to acting in a way expected by the 'technocratic and independent' literature. The Commission role is strengthened by the principle of collegiality according to which all Commissioners are collectively responsible for the Commission's output. Through their private cabinets, Commissioners have some capability to oversee the work of fellow Commissioners, and also the President and the Secretariat-General work on a common guideline.

Second, in the 'portfolio role' precedence is given to portfolio-related preferences. This is based on the assumption that as the Commission is organised along portfolio lines, conflict is also most likely to run along these lines. Within the Commission, portfolios are structured along sectoral lines and this distinction is expected to be reflected in the preferences of Commissioners. For example, under this scenario the Commissioner for agriculture is more likely to prefer what is good for farmers than the Commissioner for the environment. Furthermore, at the time of Egeberg's writing, Commissioners were also physically located with the respective DGs, which might have strengthened this role. Today, the 'organisational locus' has

can best be characterised by the organisational structure (i.e. a normative role structure), organisational demography (i.e. demographic composition of the organisation), organisational locus (i.e. the organisation's physical location, space and structure) and institutionalisation (i.e. an organisation's informal norms and practices).

¹⁵ This is in contrast to national ministers in the Council, who are primary members of national government and only secondary members of the Council.

changed, and Commissioners are collectively housed in the Berlaymont building – possibly strengthening the Commission role.

Third, Commissioners' partisan preferences are central in the 'party role', which Egeberg understands rather as a European party role than a national party role. Here, a Commissioner's party political affiliation (in terms of 'party family') is expected to inform a Commissioner's preference ordering. Egeberg expects growing parliamentarism in the EU – such as the growing importance of the EP election results for the Commission nomination – to contribute to this role.

The fourth and final 'country role' champions national preferences. When invoking this role, Commissioners are especially attentive to the interests of their home country. Taking this role is assumed to be mostly driven by career considerations. However, Commissioners are expected to be hesitant to openly invoke this role. Instead, they rather try to present a normative argument in favour of their home country's position.

To empirically evaluate the frequency with which the four different roles are invoked in College meetings, Egeberg conducted expert interviews. He found that the portfolio role seems to be dominant during the College meetings. He ascribes this dominance to the portfolio-centred organisational setup of the Commission. According to his research, an oversized Commission with unimportant portfolios should give room for Commissioners to pursue national interests, while the opposite should be expected if the number of Commissioners is smaller than the number of member states.

Similarly to Egeberg's 'roles', Wonka (2008a) distinguishes four 'scenarios' of internal decision-making dynamics of the Commission (national party, transnational party, national agent and portfolio). First, in the 'national party scenario', national parties are expected to pressure the Commissioner to defend the interests of their national

party, leveraging their control over the Commissioner's political career. Second, the 'transnational party scenario' introduces coordination among national parties of the same family as an intermediate level before the national party position affects Commissioners. According to this scenario, coalitions among Commissioners from the same European party should be observed frequently. Third, the 'national agent scenario' is comparable to Egeberg's country role. It assumes that Commissioners are part of a broad domestic coalition pursuing a country's general interest and are interested in avoiding unfavourable legislation. Finally, the 'portfolio scenario' expects Commissioners to act based on sectoral interests in close cooperation with their respective DG, making it comparable to Egeberg's portfolio role (see table 3.1 for what preferences are decisive for which of the respective roles/scenarios).

Empirically, Wonka focuses on case studies of conflictual proposals in the Commission. He finds that the national agent scenario and, less so, the portfolio scenario can best explain the internal decision-making in the Commission, while neither of the party scenarios were found relevant. Overall he finds that the responsible Commissioner acts as a Commission-internal agenda setter, who is constrained by the College. The empirical results of Egeberg's and Wonka's studies do not fully converge, which can partly be explained by the difference in their respective research question and the resulting differences in case selection. While Egeberg was interested in decision-making more generally, Wonka focused on decision-making in conflictual cases. Both authors agree that there is indeed conflict between Commissioners stemming from diverging preferences and it is thus worthwhile to study the further effects of these diverging preferences.

| Decisive Preferences | Egeberg – Role | Wonka – Scenario |
|---------------------------------|-----------------------|-------------------------|
| Commission Preferences | Commission | |
| National Party Preferences | | National Party |
| Transnational Party Preferences | Party | Transnational Party |
| National Preferences | Country | National Agent |
| Sectoral Preferences | Portfolio | Portfolio |

Table 1 – Decisive Preferences for Egeberg's Roles and Wonka's Scenarios

Other studies analysing Commissioner preferences have focused on the impact of party membership and socialisation. Most European Commissioners have a known party affiliation, and many have had a political career before joining the Commission. Empirically, Hartlapp *et al.* (2010: 8) find in their interviews conducted among Commission officials that the 'scope for party politics in the College can hardly be denied'. Also, the extent to which the Commission is able to socialise its members – that is, to induct 'individuals into the norms and rules of a given community' (Hooghe, 2005: 865) – has been studied. Hooghe (2005) expected that such a powerful institution as the Commission should be able to shape the preferences of its employees so that they are socialised as 'true' Europeans. However in her research on Commission officials she could not find sufficient support for this expectation. When no such effects can be found on that level, it seems unlikely that Commissioners are successfully socialised in Brussels as they usually stay for shorter durations than other Commission officials and were more extensively involved in the

national administration.¹⁶ Thus, the Commission is far from a unitary actor with homogenous preferences.

The general expectation in this thesis is thus that governments pick Commissioners whose preferences they generally expect to be in line with their own preferences. This would allow them to reap the benefits of delegation, as transaction costs would indeed be lowered if they put an agent with shared preferences in place. Still, even a capable agent with initially shared preferences may pose problems later. If Commissioners were faithful agents, no moral hazard would arise and Commissioners would diligently implement the tasks delegated to them. In contrast, it is argued here that the principal-agent relationship persists after appointment, leaving the possibility of moral hazard. This possibly results in conflict between Commissioners and the principals who appointed them. Scholars generally agree that the Commission enjoys an informational advantage regarding European decision-making as a result of policy expertise and institutional persistence. This information advantage possibly endows it with bargaining leverage (Ballmann *et al.* 2002; Döring 2007), opening opportunities for agency drift.

3.2.2 Controlling the Commission

As in all principal-agent relationships, controls are in place to limit Commissioners' ability to adversely use their informational advantage *vis-à-vis* the member states. According to Tallberg (2002: 31), the mechanisms member states setup to control the Commission – and other institutions – match the delegated function. That is, different functions require different control mechanisms also

¹⁶ For the senior civil service, Wille (2013: 130ff.) shows that the importance of insider recruitment increased over time. By now, many senior managers have spent (almost) their entire careers in the European institutions, with little to no experience in the national administration. Their careers have thus clearly been 'Europeanised'.

for the same institution. These mechanisms aim at inducing the desired behaviour of the agent. For example, in the legislative process the Commission's right of initiative is linked to the requirement of Council approval, which, in turn, makes it necessary for the Commission to gather information on member state preferences during the preparation of legislation. Ultimately, the step of presenting a proposal to the Council decreases the informational asymmetries and also offers the governments an opportunity to sanction the Commission for going too far astray by voting a proposal down.¹⁷ Additionally, national governments as principals still exert influence on Commissioners after appointment, as it is they who decide on re-nomination and influence the Commissioner's chances of (re-)entering national politics. This has become increasingly important over time as a Commissioner post is no longer necessarily the last career step (Vaubel *et al.* 2012). This is another control governments can use to keep Commissioners in line.

In addition, empirical work has shown that the Commission's expertise does not seem to be one of the decisive factors driving delegation (Franchino 2007; Pollack 2003; Tallberg 2002). The discretionary power of the Commission differs across contexts. Franchino (2004) finds that if an act adopted by the Council calls for a later implementation of the details, the Commission's discretion

¹⁷ Also with regard to the other functions, control mechanisms are in place. When conferring implementing powers to the Commission, the member states have installed an increasingly diverse set of committees under the comitology process. Blom-Hansen (2013) characterises this system as a 'hybrid' oversight mechanism combining the decentralised element of McCubbins and Schwartz' (1984) 'fire alarm' with the activity of their 'police patrols'. Ballmann *et al.* (2002) model a sequential game in which the Commission interacts with a comitology committee and the Council. In doing so, they assume perfect information and derive the expectation that the committee has influence on the Commission's proposal, thus further limiting the Commission's leeway.

generally rises. Thomson and Torenvlied (2010) find that more discretion is granted to the Commission as an act's information intensity rises. In addition, there is mixed evidence regarding the effect of QMV on the amount of delegation to the Commission. While Franchino (2004) finds that acts adopted under QMV confer more discretion upon the Commission than those adopted unanimously, Thomson and Torenvlied (2010) find no effect of the decision rule on delegation to the Commission.

In his analysis of comitology control, Blom-Hansen (2013) finds support for the principal-agent understanding that member states carefully consider when to choose what extent of control. The stringency of control increases with institutional conflict and complexity. Also the Lisbon reform of comitology and Commission control apparently leave sufficient discretion to the Commission (Brandsma and Blom-Hansen 2016).

3.3 Intra-Institutional Preference Aggregation

While Commissioners are supposed to act in the 'best interest of the Union' there is no equivocal definition of what is best for the Union. Accordingly, two Commissioners who both aim at adhering to this principle might very well disagree about what to do. In the previous section, different factors influencing the preferences of individual Commissioners were examined. This section now discusses how conflicts within the Commission can be resolved, that is, how the differing preferences of Commissioners can be aggregated into the position of 'the Commission'.

Officially, there are four decision-making procedures in the European Commission (oral, written, empowerment and delegation; as discussed in chapter 2). However, this section takes a more abstract perspective on how diverging preferences in the Commission can be aggregated into a single Commission position. A first option would

be to only consider the formal voting rule in the College. As the Commission is formally a majoritarian institution, this means equating the Commission with the position of its median member. Accordingly, spatial models of EU decision-making often assumed that 'the Commission' as a whole would be located at the position of the median Commissioner (i.e. the pivotal actor in a majority vote).

A second option would be to focus on the Commission President, who plays an important role in ensuring that policies are in line with the Commission's work programme (cf. Wille 2013: 63). Throughout the treaty reforms the role of the Commission President has been upgraded repeatedly and he enjoys special authority. It could thus well be that the President's voice has a disproportional influence on the Commission-internal decision-making process even though formally his vote is just 1/28 of the total.

A third option would be to consider who is responsible for preparing a legislative proposal. For each legislative proposal one DG is primarily responsible, with its associated Commissioner being politically responsible for that proposal. As discussed in section 2.3, this mandate is an important source of Commission-internal power and could grant the Commissioner some 'ministerial discretion' and consequently Commission-internal agenda-setting power (Hörl *et al.* 2005; Wonka 2008a). This would allow the Commissioner to move the Commission's position closer to her own ideal point. Like most national governments the College of Commissioners operates under the principle of collegiality (Article 217(19) TEC; discussed by Smith 2003). That is, internal decisions are formally taken by majority voting but once a decision is taken, all Commissioners are expected to support it in public no matter their initial opinion.

Overall, decision-making is rather consensual and one reason for the low number of votes could be that Commissioners do not have the capacities to closely monitor the actions of their colleagues (cf. Laver

and Shepsle 1996; 1999; Martin and Vanberg 2005). Within the Commission, there is a great deal of portfolio-specific specialisation. During the term of the second Barroso Commission, there were 44 services and DGs, that is, the administrative units into which the Commission is subdivided (European Commission 2012). While externally the DGs represent ‘the Commission’, internally conflicts over competencies and resources arise (cf. Hartlapp *et al.* 2014: 285). Due to this organisational structure, Commission-internal conflict mostly runs along portfolio lines. In this regard, the Commission closely resembles national cabinets and Thomson (2011) equates the Commission’s position with that of the responsible Commissioner, thus implicitly assuming perfect discretion.¹⁸

The role of a Commissioner thus seems to be akin to that of a minister in a national system of government (Hörl *et al.* 2005; Wonka 2008a). Accordingly, the responsible Commissioner is expected to enjoy some discretion when formulating a legislative proposal, as long as it does not move too much against the general line of the

¹⁸ On the national level, Martin and Vanberg (2005) model ministerial discretion in coalition governments and find that a party accepts if the ministers of its coalition partner deviate from the coalition contract, as long as the costs of correction are higher than the damage of the deviation. Empirically, Carroll and Cox (2011) find that as the coalition’s internal conflict over a policy field increases, it is more likely that the responsible ministers will be ‘shadowed’ by committee chairs of their coalition partner, thereby limiting ministerial discretion. Applied to the Commission and when comparing Commissioners to ministers, this would suggest that Commissioners enjoy some leeway to deviate from the position of ‘the Commission’ until this deviation becomes costly to other Commissioners. If this was the case, the costs of reigning in a Commissioner would still be lower than a continued deviation. Likewise, one way to keep Commissioners in check would thus be the staffing of their cabinets (cf. Deckarm 2017).

Commission as defined by the President nor conflicts with the interests of other Commissioners.

In contrast to many studies that conceptualise the Commission as a unitary actor, this thesis sides with studies where the preferences of individual Commissioners matter. Every member state nominates one Commissioner, and moves to reduce the number of Commissioners below the number of member states have so far failed. When in doubt, Commissioners are expected to pay more attention to the preferences of their home countries – the ‘country they know best’ in Commission parlance – than to the preferences of any other country. In addition, studies have found that member states tend to nominate Commissioners who gained political visibility in previous positions and who are members of one of the parties in government at the time of nomination. It is assumed that nationality and party membership are important factors influencing the preferences of individual Commissioners. Accordingly, there might be conflict between Commissioners along these lines. It is thus important to consider how conflict is resolved and preferences are aggregated in the College. While officially the Commission is a majoritarian institution, formal votes are hardly ever taken. Instead, it is assumed that the Commissioner who is primarily responsible for a legislative proposal enjoys ministerial discretion and thus Commission-internal agenda-setting power that allows her to move the proposal closer to her ideal point.

Though these intra-institutional dynamics are important for understanding the power of individual Commissioners, the Commission does not act in political isolation. Instead, it needs the approval of (a qualified majority of) the member state governments represented in the Council and increasingly also of a majority of the MEPs to pass legislation. The standard model of legislative politics thus suggests that Commissioners act strategically and are therefore

sensitive to the preferences of member state governments as represented in the Council and national party preferences as represented in the EP (Crombez 1996; Tsebelis and Garrett 2000). By anticipating these preferences, Commissioners aim at submitting proposals that have a good chance of adoption (Leuffen and Hertz 2010; Steunenberg 1994), while still positioning them as close to their ideal point as possible.

3.4 Inter-Institutional Relations

Under the ordinary legislative procedure, the Commission's most important formal task is introducing a legislative proposal on which the Council and the EP then decide (as described in section 2.4). Formulating this proposal and thus deciding on its location in the policy space is a powerful position as it forms the basis for the ensuing negotiations. The remainder of this chapter will model the interaction of the Council and the EP with Commissioners in legislative decision-making.

3.4.1 Council of the European Union

The first of the other European institutions to be involved in the legislative process is the Council of the European Union (formerly Council of Ministers; hereafter referred to as 'Council'). Here, national ministers meet in ten different sectoral configurations and decide, among others, on Commission proposals for legislative acts. The Presidency of the Council rotates among member state governments every six months and ministers from the country holding the presidency chair the Council meetings. Depending on the policy area, Council decisions need to either be taken unanimously or by QMV. In successive Treaty reforms, the number of policy fields for which unanimity is required was reduced. Today, unanimity is still required in core fields such as taxation, finances of the Union, membership, the common foreign and security policy and the

common security and defence policy. In most other policy areas, the support of a qualified majority of member states is sufficient for a proposal to pass. Under this method each member state receives a certain number of votes, in relation to its population size. When voting on a Commission proposal, according to the Treaty of Lisbon, a qualified majority is reached if at least 55% of countries (15 or more), comprising at least 65% of the population, are in favour.¹⁹

The following model is based on Crombez (1996) and Tsebelis and Garrett (Tsebelis 2002; 2000). The argumentation, however, is adapted to fit the assumption that the Commission is not a unitary actor but that the primarily responsible Commissioner exerts substantial influence on the contents and location of a proposal. Policymaking is considered on a single dimension, which could be understood to represent the EU integration dimension (more vs. less EU integration).²⁰ In this sequential model of decision-making, the Commissioner first makes a legislative proposal on which the Council votes in a second step. Member states and Commissioners have Euclidean preferences over policies (cf. Hinich and Munger 1997; Tsebelis 2002). That is, as the distance between a policy and the actor's ideal point increases, the utility the actor derives decreases – no matter the direction of the policy's movement.

¹⁹ Between 1995 and 2003, a QMV on Commission proposals meant at least 62 votes in favour. Under the Treaty of Nice rules (2003 to 2014, upon request until 1 March 2017), a QMV comprised a majority of countries and at least 74% of voting weights and 62% of the population. The voting rules and voting weights can be found in appendix B.

²⁰ Following Crombez' (1997a) argument, as the actors have Euclidean preferences, their preferences over one policy dimension i are independent from their preferences on other EU policies. As the policy on dimension i moves further from an actor's ideal point on that dimension, its utility decreases, regardless of the position of EU policies on other dimensions. Accordingly, for the purposes of this chapter, EU policymaking can be simplified to a single dimension.

Accordingly, a policy closer to the actor's ideal point is always preferred to one further away. Furthermore in the proposal stage, all actors know the policy's location and the ideal points of all actors (i.e. they have complete and perfect information).

Throughout the integration process, (qualified) majority decision-making was strengthened and extended to evermore policy fields (at the expense of unanimity decisions) and now applies to most areas. Council voting can thus realistically be simplified by focusing on the position of the pivotal member states under QMV on a single dimension. For the time period studied here, voting under QMV is approximated well by modelling a seven-member Council, in which the support of five member states is needed (Tsebelis and Garrett 2000: 15ff.).²¹ The responsible Commissioner can now table a proposal to change the status quo. The Council can accept proposals by QMV, can change them unanimously or reject a proposal so that the status quo prevails. Accordingly, Tsebelis (2002: 261) argues that the Commissioner is expected to propose something that makes a qualified majority better off than anything that can be accepted unanimously.

Figure 3.1 illustrates the implications of these assumptions, with the seven members of the Council ('1' through '7' in the figure) having different ideal points and the status quo (sq) being located on the left. The Commissioner can now make a proposal to change the status quo. Proposals located on the 'Unanimity' line [A] will be supported by all member states (i.e. all member states derive at least the same utility from any proposal on the line as they do from the status quo). Proposals located on the 'QMV' line [B] will be supported by (at least) a qualified majority of member states. Since the proposals supported by all member states are a subset of the

²¹ Before the Treaty of Nice entered into force, 62 of 87 votes were required, which is approximately five-sevenths of the votes.

proposals supported by a qualified majority, the lines partly overlap. If unanimity is required, the set of adoptable proposals depends on the member state closest to the status quo and, if QMV is used, member state 3 (the fifth member state from the right) becomes pivotal and the winset (i.e. the set of policies preferred to the status quo) is considerably larger. Even though member state 3 prefers all policies on line *B* to the status quo, its knowledge of the voting rules may lead to a strategic rejection of proposals that are located further away from its ideal point than policies on line *A* that would be supported unanimously. The ‘QMV > Unanimity for 3’ line [C] thus denotes those proposals that are adoptable under QMV that member state 3 prefers to those proposals that are adoptable under unanimity. This range is central to the arguments developed in this chapter.

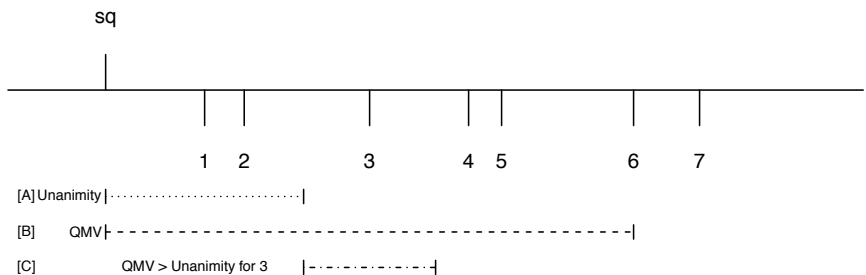


Figure 3.1 – Modeling Council Decision-Making

Note: Point ‘sq’ denotes the status quo policy and QMV is the qualified majority voting procedure in the Council.

Just like the member states, each Commissioner has her own ideal point, and the utility of a policy change to a Commissioner increases as the proposal is located closer to that ideal point. Because the responsible Commissioner is considered to have agenda-setting authority in her portfolio, there is no single position of ‘the Commission’ in the figures. Instead, there is a distribution of

Commissioner preferences. Commissioners are now expected to propose a policy that is as close to their own ideal point as possible while finding sufficient support (i.e. enough affirmative votes in the Council) to be adopted. The model predicts the location of this proposal.

In this thesis, two different sources of Commissioner preferences are distinguished. On the one hand, preferences are expected to be induced by a Commissioner's national origin. On the other hand, preferences may be based on partisan affiliations.²² These are thus the two most important guides used here as to where to locate a given Commissioner in the policy space.

Generally, when following Tsebelis' argument, the possibility of unanimous reconsideration grants considerable influence to member state 3. Consequently, a Commissioner with an ideal point at 4 (or any point further to the right) would always table a proposal that makes member state 3 indifferent between the unanimity solution and the QMV solution. Thus, the rightmost policy in the subset of the QMV winset of the status quo, as represented by line C would be chosen. That is, the proposed policy would be located slightly to the left of member state 4. In contrast, a Commissioner with preferences to the left of member state 4 and to the right of the status quo can always successfully propose her own ideal point.

If a Commissioner was to act purely on national interest, the distribution of member state preferences would also represent the distribution of Commissioner preferences, as the ideal point of each Commissioner would be that of her home country. Consequently, the Commissioner would table an acceptable proposal that is as close to

²² However, there seems to be a reciprocal relationship between partisanship and issue orientation, that is, depending on political context, preferences can influence partisanship or partisanship can cause preferences (e.g. Franklin 1984; Highton and Kam 2011).

her home country's ideal point as possible. Accordingly, under this configuration we would never expect a member state to vote against a proposal from its own Commissioner if voting is sincere, as there is no other acceptable proposal that is closer to the member state's ideal point than that tabled by its Commissioner.

Whether the other member states will vote against the proposal of a given Commissioner depends on the relation between their ideal points and the Commissioner's ideal point. Commissioners with preferences between points 3 and 7 will table proposals that are further from member state 1's ideal point than the status quo, and will thus not garner its support. Likewise, member state 2 will only support proposals by Commissioners from member states 1 through 3, as all other proposals will be located further from its ideal point than the status quo. If including the possibility of strategic voting, member states 6 and 7 may choose to vote against proposals that do not move 'far enough' while knowing that there are at least five states remaining that will vote in favour and thus make for a move in the preferred direction.

In a partisan scenario, a contestation of a Commissioner's proposal by her home country could happen more easily. Staying with the preference configurations established above, possible partisan dynamics are depicted in Figure 3.2. Assume that the Commissioner comes from member state 4 and the government of that member state is currently composed of two parties. Party *A* is the larger party and has the same ideal point as member state 5, while Party *B* is the smaller party and has an ideal point slightly to the left of member state 3. The aggregate representation of the coalition, and hence the current ideal point of the entire member state, would still be at 4.

When assuming Commissioners are driven by partisan preferences, it now makes a difference whether the Commissioner is a member of Party *A* or Party *B*. In the former case, the proposal would be located

slightly to the left of 4. That is the most revisionist point agreeable under QMV and the rightmost point on line *C*. In the latter case, it would be located at the party's ideal point, as Party *B*'s ideal point is in the QMV winset of the status quo. Line *D* denotes the range of policies that can be agreed upon by QMV that Party *B* prefers to those policies that can be agreed upon unanimously. When now also considering that the ministers voting in the Council possibly do not act based on the coalition consensus but on their partisan agendas too, a possibility for contestation emerges. Here, a Commissioner from Party *A* would introduce a proposal too revisionist for a minister from Party *B* to accept (with the two short vertical lines on the axis denoting the gap between what is agreeable to Party *B* and what is proposed).

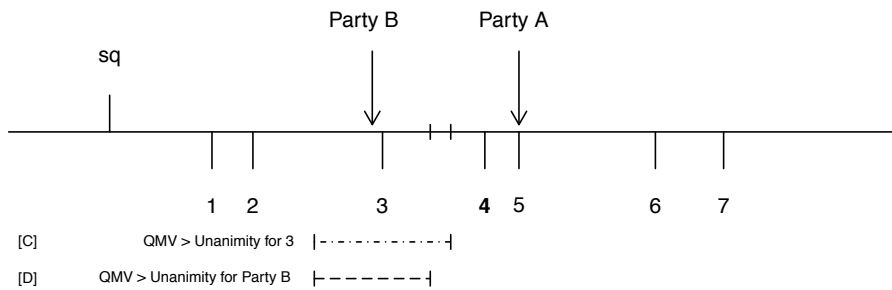


Figure 3.2 – A Partisan Commissioner from Member State 4

In addition to contrasting these ‘pure’ models²³ of national and partisan dynamics, now the dynamics will be described if the status quo is located elsewhere, what effect a variation in the Council configuration has and what happens if a Commissioner’s party is losing its position in government.

²³ ‘Pure’ here means that in reality it is expected that both partisan and national pressures can simultaneously exert their influence on the Commissioner, in addition to other pressures not modelled here.

In the previous models, the status quo was located to the left of all member state ideal points. This assumption was originally based on the argument that when there is no European legislation in place or that legislation was made under the Luxembourg compromise,²⁴ virtually everything that might be proposed necessarily means ‘more’ European integration than the status quo (Tsebelis and Garrett 2000). This is no longer true. There is a large amount of European legislation in place, and few fields remain truly unregulated.²⁵ When taking the most revisionist policy supported by a qualified majority of member states in the first step as the new status quo, the configuration depicted in Figure 3.3 emerges. Given this preference configuration, this status quo is stable, as member states 1, 2 and 3 form a blocking minority for every move further to the right, while member states 4 through 7 prevent a move to the left.

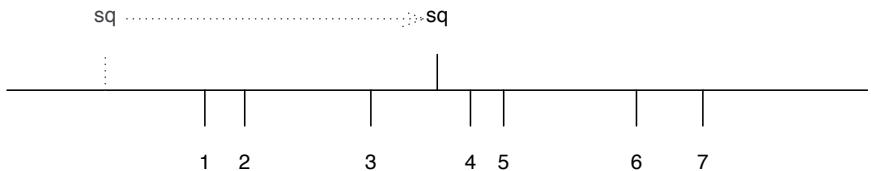


Figure 3.3 – Changing the Status Quo

²⁴ The ‘Luxembourg compromise’ governed the EU’s legislative process between 1966 and 1987 and entailed that every member state could call for unanimous Council decisions whenever a ‘vital national interest’ was at stake, effectively blocking majoritarian decision-making and resulting in lowest-common-denominator policies.

²⁵ So much regulation has taken place that the Commission also recognised this and declared streamlining the legislation one of their tasks. This resulted in the establishment of the REFIT platform in 2015 to simplify EU law and reduce regulatory cost, as well as in the 2016 Interinstitutional Agreement between the EP, the Council and the European Commission on ‘Better Law-Making’, initiated by Commission First Vice-President Frans Timmermans.

A change in the Council's preference configuration is required in order to change this status quo that lies within the range of the member states' ideal points. This can happen quite often during the five-year term of a Commission, as most member states will hold their general elections at least once during that time.²⁶ A government change in one member state opens up opportunities to change policies for Commissioners. Suppose that the government of member state 3 changes, causing a rightward move of the member state's ideal point. This makes member state 4 the QMV pivot. The QMV winset of the status quo is denoted by the dotted line *E* in Figure 3.4. Accordingly, only Commissioners coming from member states 4 and 5 could successfully propose their country's ideal point. Generally, the room for manoeuvre is now considerably smaller than it was when the status quo was located at the extreme left. That is, the realisable utility gain from reform is also reduced. In the depicted scenario, a right-of-centre Commissioner could propose a minor reform and garner a qualified majority in favour of that proposal.

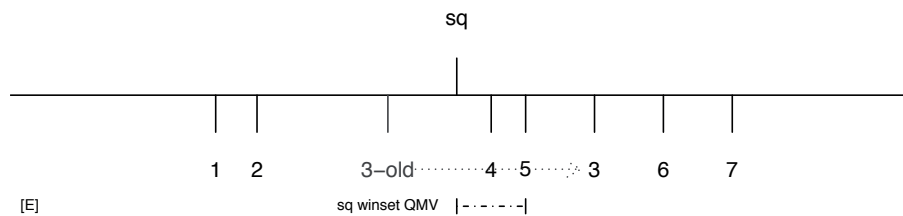


Figure 3.4 – Effect of Changing Member State Preferences

²⁶ Between the accession of Bulgaria and Romania on 1 January 2007, and that of Croatia in July 2013, 78 national elections were held in the 27 member states, that is, twelve national elections with possible consequences on the Council composition per year (own calculation, based on Döring and Manow 2016).

Another question is what effect the government change has on the Commissioner coming from member state 3. If the election took place during the Commission's term and put the Commissioner's party out of government, this would be a good test to contrast the national and the partisan dynamics. If the Commissioner remains a faithful agent of her home member state, the composition of the current government should not matter to her and she should continuously strive for proposing a policy close to her member state's (new) ideal point. If, however, the Commissioner instead continues to act on her party preferences, contesting votes in the Council become more likely as the preferences of Commissioner and government diverge. In such cases, national and partisan dynamics can also be told apart in countries with one-party governments, where problems of observational equivalence otherwise prohibit this distinction. In the depicted case, the Commissioner – located at '3-old' – would make no proposal, while the government prefers a further rightward shift, which is agreeable under QMV. However, the opposite case is also possible, when a Commissioner seizes the opportunity to make a proposal, while the new government would prefer to retain the status quo. Overall, the preference configuration in the Council has a considerable impact on how much discretion the responsible Commissioner can exercise in proposal formulation.

3.4.2 European Parliament

The European Parliament is also involved in the legislative process and especially so in the ordinary legislative procedure. This was introduced in the Maastricht Treaty as 'co-decision' procedure and was reformed by the Treaty of Amsterdam, before being renamed and promoted to the 'ordinary legislative procedure' by the Lisbon Treaty. Under this procedure the Council and the EP are closest to what Crombez (2000) calls 'genuine co-legislators' in that the approval of both institutions is required for legislation to pass.

Crombez (1997b) has described how there seemingly was a trade-off between the powers of the EP and those of the Commission with the introduction of new legislative procedures over time. Under the consultation procedure the Commission could choose its most preferred policy that gains the support of a sufficient number of member states in the Council. The EP's veto right under the cooperation procedure limited the Commission's choice by introducing an additional veto player, and also under the co-decision/ordinary legislative procedure the EP is an additional veto player, and accordingly when deciding on the location of a policy proposal, the Commissioner also needs to consider the EP's ideal point.

Most scholars agree that the Commission has lost influence in favour of the EP under the co-decision procedure. However, there is disagreement as to the extent of that loss. On one side, some authors who have argued that the 'Commission's preferences need *not* be taken into account' (Garrett 1995) or that the Commission even became 'irrelevant' (Crombez, 2001, on the Amsterdam version). On the other side, Rasmussen (2003), for example, argues that the Commission remains an important actor despite the *relative* decline of its powers. Also Burns (2004) highlights that the Commission keeps its role as agenda setter and gate keeper. As this model focuses on the proposal stage, the most important prerogative remains unchanged (i.e. that the Commission is the actor to make a proposal and decide on its location). To make the proposal adoptable, the EP now has to be considered as additional veto player.²⁷

²⁷ As discussed in chapter 2, the ordinary legislative procedure is increasingly concluded after the first reading. Even though this also involves bargaining between the Council and the EP, this could also be

The EP is modelled as a unitary actor. Usually, the EP's position is equated with that of its median member as it is a majoritarian institution. However, Hörl *et al.* (2005) point out that a majority of all MEPs is required for a motion to pass. Due to high absenteeism in plenary sessions, this usually means that the support of about 70% of the voting MEPs is required, making the MEP casting the 70% vote pivotal in deciding on the EP's policy position. In their spatial model of EU decision-making Tsebelis and Garrett (2000; also in Garrett 1995) have included the EP as a pro-integrationist preference outlier along the Commission. In contrast, Crombez (1997b) has positioned the EP's ideal point within the range of member state ideal points.

In one dimension and with the preference configuration established in Figure 3.1, the addition of the EP changes the results only if it is located further towards the status quo than member state 2. Member state 3 is the QMV pivot in the Council. Line *F* combines the Council's unanimity winset (line *A* in Figure 3.1) with those policies agreeable under QMV that member state 3 prefers to those agreeable under unanimity (line *C* in Figure 3.1). When adding the EP between member states 1 and 2, as depicted in Figure 3.5, the set of proposals member state 3 would accept is larger than the one acceptable to the EP (line *G*). This is in line with Tsebelis (2002) who posited that the addition of a veto player increases policy stability and thus decreases the power of the agenda setter.²⁸

an indicator that the Commission is increasingly successful in tabling adoptable proposals to begin with.

²⁸ If considering the proposal's location not only on a single dimension, but in a two-dimensional policy space, actor alignments possibly differ. Accordingly, the set of actions that make a qualified majority of the Council and a simple majority of the EP better off is possibly considerably larger than in one dimension. Tsebelis (2002: 262f.) presents this argument for EP amendments proposed on a second

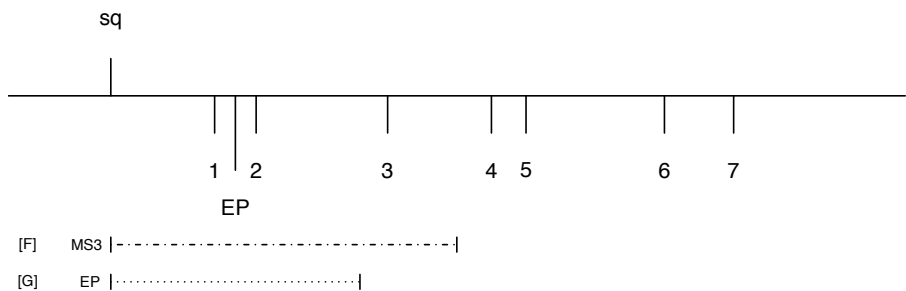


Figure 3.5 – Adding the European Parliament as Veto Player

3.5 Empirical Implications

Some empirical implications can be derived from the model developed in this chapter. Member state governments are the Commissioners' principals. They appoint Commissioners whose preferences they expect to generally be in line with their own preferences. Nationality and membership in a political party are expected to be the most important factors influencing preferences. Consequently, the Commission is not considered to be a monolithic institution in which European bureaucrats agree on what is best for the Union. Instead, it is a political institution, having politicians with diverging preferences at its helm who use speeches to foster support for their policy prerogatives. Accordingly, between individual Commissioners there is possibly preference-based conflict. It is assumed that the position that the College eventually agrees upon is heavily influenced by the position of the primarily responsible Commissioner. She is argued to enjoy ministerial discretion within the College.

There is not only conflict within the Commission but also between the Commission and the other institutions involved in the legislative

dimension. As the right of amendment is not modelled here, I argue that also the Commissioner can choose to introduce an additional dimension.

process. Even though both the member state governments as represented in the Council and the EP are involved in the nomination of the Commission, this does not prevent disagreements. The fact that Commissioners gain private information once in office endows them with bargaining leverage in the legislative process. In addition, there is no perfect control over Commissioners and they could use the power delegated to them in ways not intended by their principals.

Still, in the ordinary legislative procedure the agreement of a qualified majority of member states in the Council and a simple majority of MEPs is required to pass a legislative proposal tabled by the Commission. Tabling this proposal reduces the information asymmetry and provides the Council and the EP with a powerful option to scrutinise the Commission. To make adoptable proposals, Commissioners need to consider the preferences of the other institutions. If they do so successfully, they can use their proposal power to realise utility gains from policy reform. Based on the model, it can be predicted who is going to vote in favour of or against a proposal tabled by a given Commissioner.

If voting is sincere, and the Commissioner is a national agent, there should be no contestation by the Commissioner's home country in the Council as the proposal would be located as close to the home country's ideal point as possible. If the Commissioner's actions are more informed by her partisanship, a contestation by her home country in the Council becomes more likely, especially if the home country is governed by a coalition government. The inclusion of the EP as an additional veto player should increase policy stability. Also for MEPs, nationality and partisanship are expected to inform their vote choice. And in contrast to the Council, where a member state can throw its voting weight behind only one option, there is more variance and thus more information in the voting behaviour of MEPs from one member state. These arguments will be further developed

3 | Theory

in the next chapter after discussing the available data to test these implications.

4 TESTABLE IMPLICATIONS

The research question this thesis seeks to answer is how Commissioner characteristics influence their behaviour and consequently the EU's legislative process. The aim of this chapter is to derive testable hypotheses from the models developed in the previous chapter to get closer to answering this question. Based on that model, many factors could influence Commissioners' behaviour. In section 3.2.1 different preference profiles ('roles'/'scenarios') of Commissioners were discussed. According to these, Commissioners could choose to tout what is in the best interest of their political party, their home country, the Commission as a whole or the policy portfolio they are responsible for. This chapter discusses how we can study which factors actually play a role. In the remainder of this thesis, the focus will be on the impact of nationality and partisanship on Commissioner behaviour and the legislative process.

Suppose the government in the Commissioner's home country changes during the Commission's term. It has already been established that Commissioners tend to be a member of a party in government at the time of their appointment. Accordingly, a government change most likely means that her party is now in opposition. This changes the party's role nationally and also means that it is no longer represented in the Council. Its representation in the EP remains unchanged. Depending on how much weight the Commissioner puts on the partisan or national interests of her home country, she might change her (legislative) behaviour following this government change. A change in a member state's government thus helps in analysing how a Commissioner's nationality and partisanship influence her behaviour and affects the EU's legislative process.

This can, for example, be done in the following two ways. First, as politicians, Commissioners deliver speeches to various audiences outlining their policy agenda. These provide important insights into their positions, which can be traced over time. Should these positions change following a government change in the Commissioner's home country, this attests to the influence of domestic politics on the behaviour of Commissioners. Second, it can be analysed how the other institutions vote on the proposal of a given Commissioner. It would hence be interesting to see whether the likelihood that a member state contests the proposal of 'its' Commissioner increases after a change in government. Likewise, voting in the EP might also be affected if the Commissioner 'changes allegiance' and caters more to the interest of the new government, thereby accepting contesting votes from MEPs of the former government party. Accordingly, speeches will be used to analyse individual Commissioners directly, and the vote choice of the other institutions will serve as an indirect measure.

4.1 Intra-Institutional Decision-Making

One important task of politicians is to talk. And rhetoric – the ability to persuade using reasoned argument – is an important skill in a politician's toolbox. Politicians talk with each other in committees, deliver speeches to various audiences or participate in parliamentary debates. In political science these activities are often modelled as 'cheap talk', that is, unverifiable utterings with no direct cost on the speaker (e.g. Austen-Smith and Feddersen 2006: 210). Even though lying could not be punished under this scenario, cheap talk can still affect decision-relevant beliefs of the audience and also credible communication is possible. And if credible communication is already possible in this case, it must be in more realistic scenarios. For example, lying is often costly for politicians as their statements are checked and can be called into question. Delivering speeches

means that statements are part of the public records and can be used to hold the speaker accountable and to judge her credibility. For the case of individual legislators, Proksch and Slapin (2015) argue that floor speeches contain information about the speaker's ideology and policy positions. Generally, politicians can use speeches to convey messages to different stakeholders and to convince other actors of their intention. In turn, others can use speeches to hold politicians accountable to their words.

This is no different for European Commissioners. They can use speeches to take a political position and to emphasise specific topics on their (legislative) agenda. Transcripts of the speeches Commissioners publicly deliver are an interesting data source on Commissioner behaviour. These (cleaned) transcripts are made available on the European Commission's Press Release Database, 'Rapid', and offer insights at the level of the individual Commissioner. Commissioners themselves inform on planned initiatives and provide arguments for their position. Even though speeches might also be written by members of a Commissioner's *cabinet*, it can generally be expected that these are in line with the Commissioner's perception, and how topics are framed informs the audience about the position.

As discussed in section 3.2.1 and summarised in table 3.1, previous studies have shown that Commissioners are to some extent torn between different roles, especially between the relationship they have with the government of their home country and their formally purely European position. There is evidence that some Commissioners prioritised their home country's preferences over wider European interests, while others have risked conflict with their home country (Egeberg 2006; Wonka 2008a). However, such a decision need not be set in stone as the positions European Commissioners take in speeches might change over time. Speeches offer Commissioners an opportunity to present the Commission's

policies, while at the same time outlining their personal views – an opportunity they lack in other modes of publication. This leeway allows them to more freely express their opinions and political positions and accordingly changes therein might be discovered more easily. One step towards answering the research question will hence be made by analysing how the positions European Commissioners take in speeches change over time and seeking to explain observable changes.

While interested in how Commissioners change the positions they take in speeches over time, it is argued that Commissioners are unlikely to change their underlying *ideological* positions during one term in the Commission for two main reasons. First, the five years Commissioners usually serve in their position are a relatively short period of time, in which a drastic ideological change is unlikely. Second, Commissioners often are senior and experienced politicians who are unlikely to (publicly) shift their ideological foundations easily. As seasoned party politicians, Commissioners know about the value of a recognisable ‘brand name’ resulting from parties acting cohesively (Cox and McCubbins 1993; for a discussion in the EU context see Lindberg *et al.* 2008), meaning that messages conveyed publicly should generally be in line with the party message.

Rather than reflecting changing ideological positions, changes in Commissioners’ positions are expected to be apparent mostly in the way they set the agenda in their portfolio. A Commissioner can emphasise certain topics of interest and push some initiatives more than others. Therefore, changes in the positions Commissioners take in speeches are expected to reflect a changing agenda and changing nuances in their policy portfolios, rather than to see them switching their positions along a left-right or conservatism-liberalism divide.

It is expected that three different dynamics are responsible for most of the long-term change in positioning. First, it is expected that Commissioners reflect the developments of their portfolio's policy agenda in their speeches. Second, unforeseen events outside the Commissioners' control are expected to change their positions. Third – and most relevant in the context of this thesis – it is expected that a change of the appointing principal (i.e. a government change in the Commissioner's home country during her term) affects the Commissioner's position.

To clarify, the aim is to explain change in positioning (rather than stability) and to do so over a longer time period. With the focus on change, the implicit assumption is that Commissioners do not change their position when none of the described events occur. However, there might be different – and to some extent opposing – explanations for stability, which cannot be distinguished empirically. A Commissioner could be a 'party soldier' who is ideologically stable and continues to pursue whatever the party line dictates no matter the circumstance. She could also have a stable 'European interest' in mind, which she is continuously pursuing or the policy field simply could not be controversial enough to cause conflict. Also, a stable agenda might be caused by the lack of new knowledge or ideas that could induce change or by the absence of a political demand for change (Radaelli 1995). Either way, the result would be stability of positions taken in speeches over time, with no way of telling the causes apart.

In addition, the aim is not to explain changes in positions from one speech to the next but focus on change over a longer time period. Changes in positions between individual speeches could be due to factors such as audience and setting or a different emphasis put on specific sub-topics in individual speeches, but the interest is in

explaining long-term trends rather than the causes of these short-term fluctuations.

The first factor that is expected to affect the positions a Commissioner takes in her speeches is policy-related development. The Commission's character as the EU's legislative agenda setter requires Commissioners to regularly present proposals on new policies and to react to (minor) changes in the portfolio they are responsible for. Such developments can occur in many ways, such as the availability of new data or other information in a certain policy field, a court ruling, the accession of a new member state, or the signing of an international treaty. Also, changes in a Commissioner's position can simply reflect the progress of a policy proposal, from a Green Paper or consultation towards a draft proposal or an item discussed by the EP and the Council. These events change the Commissioner's agenda. This should be reflected in a Commissioner's speeches.

Second, political positions and agendas of Commissioners are based on their assumptions about the state of the world. Accordingly, they have a partly reactive nature and are especially sensitive to unforeseen external events which may influence a wide variety of policy fields. Such events reveal more information about the 'true' state of the world. This information about an event is expected to have an impact on political positions, especially so, if the event is contrary to the previously held assumptions. Examples of such major events are the 9/11 terrorist attacks or the nuclear incident in Fukushima, since both had global impacts on different policy fields. In these cases, the political agendas of actors around the world were affected. It is expected that Commissioners react to such events and subsequently adapt their positions.

Third, a government change in the home country is expected to affect positioning. At the time of nomination, most Commissioners

are members of a party that is in government in their home country (Döring 2007; Hartlapp and Lorenz 2015; Wonka 2007). Also after appointment, the vertical link between a Commissioner and her party persists. This is mostly because the party has an important influence over the Commissioner's current and future career, especially when in government. For a continued career in (international) politics, the government's support is necessary and as Commissioners more frequently continue their career after leaving the Commission (Vaubel *et al.* 2012), the link becomes more important over time. Yet, what happens if the Commissioner's party is voted out of office? A Commissioner might react to a change in the government status of her party, as the party has lost considerable power *vis-à-vis* its Commissioner. On the one hand, the party might no longer have the necessary clout to secure a prestigious post-Commission job. On the other hand, the party is also no longer represented in the Council and thus no longer has direct influence in the EU's legislative process.

Accordingly, if this vertical link is weakened, this could result in a change in the position Commissioners take in speeches. The change could be due to one less control mechanism that keeps a Commissioner in check, resulting in a move towards a Commissioner's ideal position. In contrast, the Commissioner could choose to move the agenda towards the new government to signal cooperativeness. In either case, the positions taken before the change in government should be different from those taken after the change. The first hypothesis summarises this expectation.

Hypothesis 1: A change in the government status of a Commissioner's national party leads to a change of the positions a Commissioner takes in her speeches.

4.2 Inter-Institutional Decision-Making: Council

In terms of inter-institutional preference aggregation, Commissioners' behaviour will be observed more indirectly. The EU's legislative process starts with a primarily responsible Commissioner making a proposal on which the Council and the EP ultimately vote. Data on voting in these institutions is available. It will thus be analysed whether the vote choice of member states in the Council and MEPs can partly be explained by taking characteristics of the responsible Commissioner into account. Based on the model developed in chapter 3, it is expected that shared characteristics ease inter-institutional decision-making and make contestation less likely. If such a relation between shared characteristics and voting behaviour can be shown, it can be argued that these characteristics have a relevant impact on how Commissioners act in office.

Even though a Commissioner aims for tabling an adoptable proposal, it might not be possible (or desirable) for a Commissioner to accommodate the preferences of all member states when introducing a legislative proposal (the impossibility of pleasing all member states when the status quo is not located at either extreme was demonstrated in figure 3.3). Furthermore, as time elapses between a Commissioner's decision to introduce a proposal and the Council's vote on that proposal, the Commissioner faces uncertainty regarding the exact position of the pivotal government in the Council (as discussed by Boranbay-Akan *et al.* 2017). From a Commissioner's perspective contesting votes are thus not entirely preventable. Overall, voting in the Council is highly consensual, with approximately three-quarters of all legislation being unopposed (Hix and Hagemann 2016). Furthermore, a formal vote is only taken if the chair knows that there will be sufficient support, so that there are no voting records of failed motions.

Even though Commissioners are formally the agents of all member states, it seems reasonable to assume that the ties between a Commissioner and his or her home country are stronger than the ties with the other member states. Commissioners are rooted in their home country's political system. They are thus aware of the relevant political issues as well as the positions of the different decisive actors – including businesses and interest groups – on these issues. There thus might be policies on which political parties do not take stances and Commissioners instead take cues from interest groups they deem decisive in their home country when forming a position (Klüver 2011; Warntjen and Wonka 2004). Accordingly, the policy content of proposals Commissioners make is expected to generally be in line with the preferences of the Commissioner's home country. Consequently, member states' governments should rarely be in a position to vote against proposals coming from their 'own' Commissioner.

Hypothesis 2 (National Perspective: Council): Legislative proposals are less likely to be contested by a member state in the Council if the proposing Commissioner comes from that member state.

If the second hypothesis needs to be rejected, this would mostly shed light on the selection process. If Commissioners regularly make proposals that are not supported by their home countries, then they are clearly not acting as national agents. If this is the goal of member state governments to appoint reliable agents to the Commission, then the current system would apparently not deliver the desired results. If no clear effect of national ties was to be found, this could also support the 'credible commitment' motivation for delegation discussed in section 3.2. Overall, if this hypothesis needs to be rejected, this would provide further indication that reducing the size

of the Commission does not impact the representation of national interest on the European level.

Based on the comparative politics literature on bicameralism, shared partisanship is also expected to ease inter-institutional cooperation in the legislative process (Binder 1999). Within the Council, governments are most likely to vote with ideologically close governments (Hagemann and Høyland 2008) and as a government's distance from the median left-right position increases, its likelihood of being in the opposition increases as well (Hosli 2008). It is thus assumed that being a member of the same EPG as a Council member is a big asset for Commissioners as it signals shared preferences and thus promises ready cooperation (cf. McElroy and Benoit 2010; 2012). Accordingly, it is expected that if both the national minister responsible for the portfolio of the proposing Commissioner and the proposing Commissioner herself are members of the same EPG a negative vote is less likely.

Hypothesis 3a (Responsible Minister): Legislative proposals are less likely to be contested by a member state in the Council if the proposing Commissioner shares partisan ties with the responsible national minister.

Instead of perceiving national governments as a coalition of relatively independent ministers, they can also be perceived as collegial actors deciding on a policy (cf. Andeweg 1993). In this case, the relevant minister is expected to follow the governmental line when casting a vote in the Council. When conceptualising partisan ties between a Commissioner and a national government in this way, the Council vote of multi-party governments would represent a coalition compromise, possibly decreasing the visibility of partisan ties. By focusing on the EPG, the conceptualisation of partisan ties is broader here than in most previous studies, where the focus was on the link provided by national parties. Partisan ties can thus be shared

with the governments of several member states – and it might even be the case that the government of the Commissioner's home country is not one of them.

Hypothesis 3b (Government): Legislative proposals are less likely to be contested by a member state in the Council if the proposing Commissioner shares partisan ties with the member state's government.

If hypotheses 3a and 3b are found to be true, we can argue that political parties in the same party group indeed share policy preferences. And these shared policy preferences, in turn, ease inter-institutional decision-making. Accordingly, member states should be interested in the partisan background of the Commissioners nominated by the other member states to gauge their compatibility with their own preferences. In turn, if these hypotheses need to be rejected, this would be an indication that European party families are not organised along the same conflict lines as European policies are made.

In addition, the strength of the relationships expected in hypotheses 3a and 3b are assumed to vary across policy fields. Generally, conflict in the EU is expected to run across three dimensions (as discussed by Veen 2011). First, the redistribution dimension is concerned with conflict over wealth reallocation between member states and is therefore understood to be mostly a conflict between net receivers and net contributors to the EU budget (Bailer *et al.* 2015; Zimmer *et al.* 2005). Second, the integration dimension is mostly concerned with the transfer of authority from the national level to the EU level. Third, the conflict along the left-right dimension is most akin to political conflict on the national level.

While not all legislative proposals within a given policy field are equally policy laden, the primarily responsible DG is expected to be a good indicator of the dimension along which a legislative proposal

is debated. Policy fields that are contested along the redistribution dimension are expected to be more susceptible to national influence than the others, and also national ties across institutions are expected to be more pronounced in these fields. Likewise, the partisan influence on policy fields contested along the left-right dimension is expected to be higher, including a higher visibility of inter-institutional partisan ties.

Hypothesis 4a (Policy Fields: Redistribution): For legislative proposals subject to the redistributive conflict dimension, the effect of national ties on vote choice is stronger than for other legislative proposals.

Hypothesis 4b (Policy Fields: Left-Right): For legislative proposals subject to the left-right conflict dimension, the effect of partisan ties on vote choice is stronger than for other legislative proposals.

4.3 Inter-Institutional Decision-Making: EP

In addition to analysing Council voting, the possible effects of Commissioner characteristics on inter-institutional decision-making can also be evaluated using EP voting. Whether a MEP votes in favour of or against a Commissioner's proposal may reveal the importance of some of these Commissioner characteristics. As becomes evident from the appointment procedure described in section 2.2, the relation between the Commission and the EP is different from that between the Commission and the Council. Even though the EP is involved in the appointment process, it is not involved in the selection of candidate Commissioners. Furthermore, just as the Commission is the primary affiliation of Commissioners,

the EP is the primary affiliation of MEPs.²⁹ Thus, in this case, two truly European institutions interact that are accountable to – but not selected by – each other.

Another difference of EP voting from Council voting is that there is more variance as there is more than one vote per member state and MEPs from both government and opposition parties are voting simultaneously on the same proposal. Accordingly, this thesis is not the first to consider the impact of nationality and partisanship on MEPs' vote choices (Faas 2003; Hix *et al.* 2005; Høyland 2010) but it is the first to consider this in relation to the responsible Commissioner. Mirroring hypothesis 2, it is thus expected that shared nationality decreases the likelihood of contestation.

Hypothesis 5 (National Perspective: EP): Legislative proposals are less likely to be contested by MEPs that come from the same member state as the proposing Commissioner than legislative proposals made by Commissioners from another member state.

Furthermore, shared partisan ties are expected to ease cooperation during the Commission's term in office. It is generally assumed that persons sharing partisan affiliations also have similar preferences. This could be due to either of two processes. First, a set of preferences could induce individuals to join a specific party that is then composed of like-minded people. Second, regardless of why a person joined a party, parties are deemed to be most effective when acting cohesively. Electorally, this makes for a recognisable 'brand name' (e.g. Cox and McCubbins 1993); and in the legislative process, parties reduce the transaction costs involved in policymaking (Aldrich 1995). While the party label is certainly

²⁹ In 2002, a Council Decision (2002/772/EC) declared the office of MEP to be incompatible with the office of member of a national parliament (Article 7(2)).

valuable in the national context, its value at the European level is more diffuse (Costello and Thomson 2016; Lindberg *et al.* 2008). Still, being a member of the same 'party family' signals shared preferences and thus promises ready cooperation.

Hypothesis 6 (Partisan Perspective): Legislative proposals are less likely to be contested by MEPs that share partisan ties with the proposing Commissioner than proposals made by Commissioners from other party families.

The theoretical expectations concerning voting behaviour differ across time. It is assumed that the withdrawal of the Santer Commission in 1999 was a watershed for the subsequent Commissions. The Santer Commission needed to resign due to allegations of fraud, nepotism and mismanagement. After the resignation of the Santer Commission, the agency design was adapted, upgrading the role of the EP (as discussed in chapter 2). Since 1999 new Commissioners are obliged to inform the EP about their policy goals, and the scrutiny in the EP during the nomination process is reported to have become more intense than before (Kassim and Menon 2004: 90). As a result, the principals gain additional information concerning their prospective agents. Also abolishing the unanimity requirement in the Council might result in the appointment of a less conformable Commission (Crombez and Hix 2011).

Empirically, Wonka (2007) shows that the proportion of Commissioners who are members of one of the governing parties markedly increased after the Santer Commission and that also (albeit to a lesser extent) more politically visible persons were appointed. It thus seems clear that the nomination process has been tightened after the negative experience governments had with the Santer Commission. Consequently, it can be expected that the extra

care given to selecting good agents in the nomination process pays dividends during the legislative process. If so, the effect of partisan ties on vote choice should have been stronger for the Prodi and Barroso Commissions, which will be analysed in the next chapters.

5 Understanding Individual Commissioners by Analysing their Speeches³⁰

Speeches are a valuable source to learn about the positions of politicians generally and European Commissioners more specifically. In their speeches, Commissioners can present the Commission's policies and official stances, while adding a personal touch. This freedom allows Commissioners to more openly express their opinions and political positions than in other more structured modes of publication. Speeches thus provide insights into the positions of individual Commissioners and are one of their most directly observable behaviours. Speeches form part of the public record and can thus be used to trace the positions of Commissioners over time.

Almost all Commissioners give speeches outlining their positions. These speeches are published, irrespective of the audience they were given to. Most speeches are given to the other European institutions, to stakeholders at conferences or in academic contexts. When speaking at stakeholder conferences, for example, the Commissioner mostly is a keynote speaker outlining the key policies of the Commission. Stakeholder conferences are often held on specialised topics and require input by the Commissioner on a specialised topic.

³⁰ This chapter is based on: Deckarm, R. & Killermann, K. (2016) 'How European Commissioners use Speeches to Take Political Positions'. I thank the participants of the Innovation of Governance Lunch meeting at the University of Twente, the SVWP Annual Conference 2016 in Basel, the EUENGAGE Text Analysis Workshop in Amsterdam and the 2016 EPSA Conference in Brussels for their valuable comments and suggestions.

Speeches have hardly been used as a data source to study Commissioner behaviour. This is surprising given the numerous challenges those interested in identifying the political position of an individual Commissioner face. Most of the 'standard' data sources used to infer the position of executives are not available. First, the Commission's rare votes are not published, neither are the detailed minutes of the Commission meetings. Second, Commissioners do not stand for election and consequently do not present a manifesto or inform voters in other ways on their positions. Only general work programmes and letters of intent for the entire Commission are available.

This thesis aims at studying the effect of characteristics of individual Commissioners on their behaviour and consequently on the EU's legislative process. Hence, this chapter focuses on the first part of that question. It analyses in whether Commissioners change their positions in speeches on different topics over time. More specifically, it will be tested if a change in the government of the Commissioner's home country affects the positions Commissioners take in speeches (as expected in hypothesis 1).

Most Commissioners are members of political parties that are part of the national government at the time of Commission appointment. Hence, a change in government mostly means that the Commissioner's party was voted out of office. The party is now in opposition nationally, has consequently lost considerable power on the national level and is also no longer represented in the Council on the European level. This chapter accordingly tests whether this changing status impacts the behaviour of the member state's Commissioner.

A government change would weaken the vertical link between the member state and its Commissioner. The Commissioner could then choose to alter the positions taken in speeches for different reasons.

On the one hand, the government change could permit the Commissioner to move closer to her own ideal point. On the other hand, she could choose to move closer to the ideal point of the new government of her home country to signal cooperativeness. In either case, the positions taken before the change in government are expected to be different from those taken after the change. In addition, policy developments and exogenous shocks are also expected to impact positioning, with the former leading to gradual changes while the latter possibly abruptly updating a Commissioner's assumptions about the true state of the world. Text analysis algorithms will be used to extract position estimates from Commissioners' speeches over time.

5.1 Methods

5.1.1 Methods to Estimate Political Positions

Different methods have been developed to estimate the position of political actors in a policy space. On the level of the individual legislator both automated content analysis methods and methods to analyse legislative voting behaviour have been used for estimating their political positions. Poole and Rosenthal (1997) developed NOMINATE to scale legislators in the US Congress based on their legislative roll-call votes. The method has also been applied to other parliaments, including the EP (Hix *et al.* 2006). The position of parties has been studied using both survey-based methods and methods to analyse the content of election manifestos or other political documents (cf. Gemenis 2015: 2292).

The most popular survey-based approach is the expert survey, in which experts are asked to position different parties on pre-defined scales based on their personal knowledge (e.g. the Chapel Hill Expert Survey (CHES) by Bakker *et al.* 2012; or Castles and Mair 1984). The positioning of multiple experts is then aggregated to

achieve estimates of party positions. Another survey-based method is applied by most voting advice applications (VAAs). Here, party representatives and voters are asked a series of identical questions and the correspondence of the answers is then used to advise the voter on which party is closest to her preferences. This can be understood as a survey method using a Likert scale to estimate the respondents' position on the latent ideological dimension(s) (Gemenis 2013). Based on the VAAs, self-placements of parties as well as parties' placement by respondents can be obtained. In addition, also election surveys habitually ask respondents for party placements.

The most prominent content analysis approach for the position of political parties is the Manifesto Project (CMP; Budge *et al.* 2001; Klingemann *et al.* 2006; Volkens *et al.* 2013). Here, categories of interests are pre-defined before election manifestos are split into quasi-sentences that a human coder then assigns to either of the categories. These codes are subsequently scaled to the ideological dimensions of interest. When positioning political actors, judgemental coding (also known as checklist approach or holistic grading, as discussed by Gemenis (2015) and Ruedin and Morales (2017)) represents a combination of coding the manifest content of a text and an expert survey because the document as a whole is also evaluated and not only its individual building blocks.

With increasing computing power, an ever-increasing number of automated content analysis methods has been developed, which requires a further classification. Grimmer and Stewart (2013: 268) provide such a categorisation. The first broad distinction they make is between methods aimed at classifying a document (i.e. organising it into a set of categories) and those aimed at ideological scaling (i.e. positioning it in a policy space). All methods of ideological scaling are based on the assumption of ideological dominance, assuming

that ‘actors’ ideological leanings determine what is discussed in texts’ (Grimmer and Stewart 2013: 291). In the scaling category, a second distinction between supervised and unsupervised methods can be made (Grimmer and Stewart 2013: 268)

Wordscores (Laver *et al.* 2003) is a prominent supervised method to extract policy positions from political texts. Reference texts for the opposing poles of the scale are used to generate a *score* for each word. This score expresses how well a word distinguishes between the poles. Using these scores generated based on the reference texts, the remaining texts are then scaled and their positioning in a policy space becomes possible. In contrast, when using unsupervised methods, no reference texts are used. Instead, it is assumed that an actor’s policy positions affect word usage. One such method is *Wordfish* (Slapin and Proksch 2008), using a Poisson-item response theory model. Political actors are assumed to reside in a low-dimensional political space and the actor’s location in that space is expected to affect word choice. Unsupervised methods discover words distinguishing different locations in that space and then estimate the actor’s position.

Ruedin and Morales (2017) review how some of the estimation methods presented here perform in positioning parties on a specific issue domain, namely integration, instead of broad ideological dimensions, such as the left-right scale. According to their study, there is a high consistency between expert surveys, manual sentence-by-sentence coding and manual checklist coding and little consistency with the CMP method, *Wordscores*, *Wordfish* and the dictionary approach. Still, all methods generally succeed in identifying the same parties as pro- or anti-immigrant (Ruedin and Morales 2017: 7), and the correlation between the different methods generally increases with the length of the coded text (Ruedin and Morales 2017: 8). If it suffices to get the general tendency right all

methods have their merits, with manual checklist coding and automated methods having the benefit of time efficiency.

Figure 5.1 summarises the methods for positioning political actors introduced in this section. This will be used to choose the appropriate method to position individual Commissioners in the policy space. The first distinction can be made between the data source that positioning is based on. It has to be acknowledged that surveys are generally used to position political parties instead of individual politicians, and votes are not available for the European Commission. Hence, a text-based method needs to be used. The available manual text coding methods are also not applicable, as there are no comparable ‘manifesto’-style documents for individual Commissioners. Instead, automated text coding will be applied to Commissioner speeches. As has been argued in section 4.1, Commissioners are not expected to publicly change their ideological position during a Commission term. Instead, changes in positioning are expected to mostly reflect changes in how they set the policy agenda in their respective portfolio. Consequently, it is impossible to *a priori* define reference texts for either pole, as a supervised method such as Wordscores would require. Instead, the method needs to uncover the underlying dimension itself and be able to trace changes on these non-ideological dimensions. Wordfish is thus the method of choice. It is unsupervised, does not require the *a priori* definition of dimensions of interests and was developed with the declared aim of presenting a method for estimating political positions over time. The method, including the underlying assumptions and possible drawbacks, is discussed extensively in the next section.

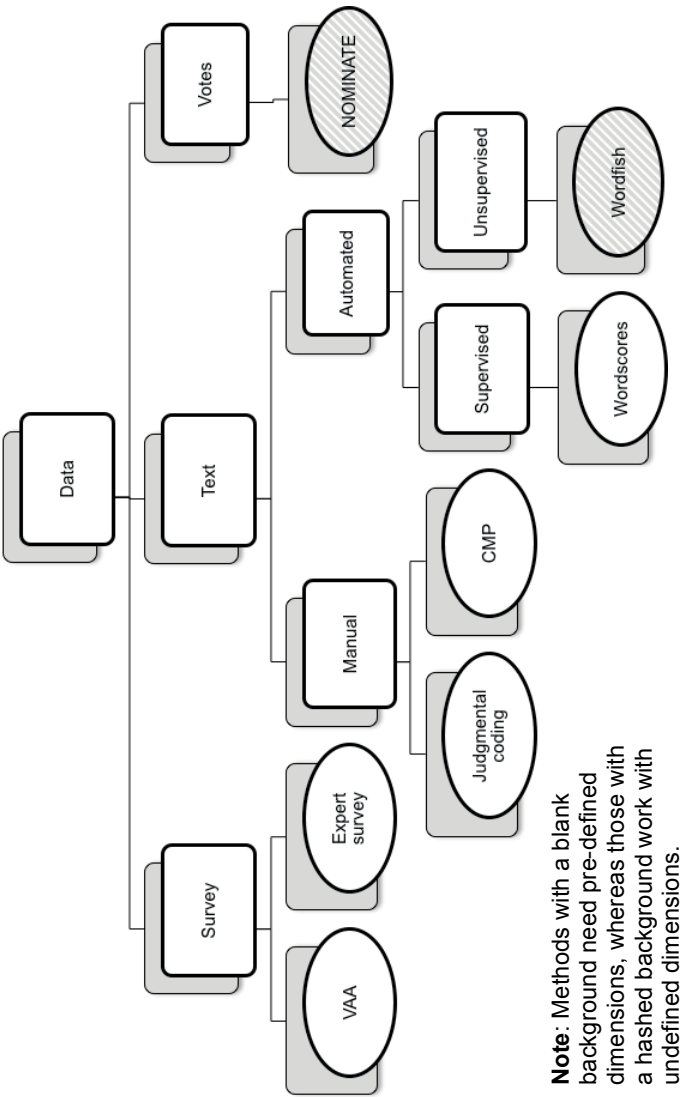


Figure 5.1 – Methods to Position Political Actors in a Policy Space

5.1.2 Wordfish

Wordfish uses a bag-of-words model as it ignores sentence structure and the context of utilised words. It assumes that the frequencies with which words end up in this 'bag' are generated by a Poisson distribution (Proksch and Slapin 2010).³¹ Further, it assumes a single latent dimension underlying the texts. This principal dimension is expected to capture the political content of the analysed text (Slapin and Proksch 2008: 711). That is, if texts focus on foreign policy the underlying dimension is expected to be a foreign policy dimension, and the Wordfish estimates position the analysed text on that dimension. In contrast, if one expects the analysed text to represent the totality of an actor's policy positions, one can assume that the dimension identified by Wordfish is the left-right dimension, and the estimates position the texts along that dimension. Hence, depending on the interest, different texts should be selected for analysis and in the interpretation of the results this prior knowledge on the texts' topics needs to be incorporated. Wordfish is thus well suited to capture how actors change their positions on non-ideological dimensions. On a methodological note, whether or not the analysed documents are translated does not substantially matter for the position estimate (Proksch and Slapin 2010).³²

³¹ The Poisson distribution is a discrete probability distribution in which the mean equals the variance.

³² More specifically, Wordfish uses an expectation maximisation algorithm to estimate the parameters of the specified item-response model. It assumes that each word j from individual i , W_{ij} is drawn from a Poisson distribution with rate λ_{ij} , $W_{ij} \sim \text{Poisson}(\lambda_{ij})$. λ_{ij} is modelled as a function of individual i 's loquaciousness ('talkativeness', α_i), the frequency word j is used (ψ_j), the extent to which a word discriminates the underlying ideological space (β_j), and the politician's underlying position (θ_i),

$$\lambda_{ij} = \exp(\alpha_i + \psi_j + \beta_j \times \theta_i).$$

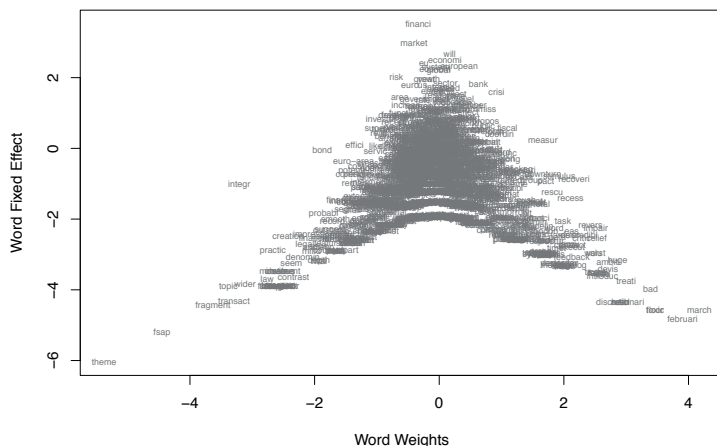
The bag-of-words approach could be seen as problematic, because the meaning of a text is to a large extent affected by sentence structure and the context in which words are used. Proksch and Slapin (2009), however, argue that the usage of a high number of words remedies this problem. While they do not establish a fixed rule on how many words and texts should be present to allow meaningful interpretations, they present some guidelines. Based on simulations generating different numbers of texts and unique words, they find that 300 unique words in 20 texts provides a solid basis for estimation (Proksch and Slapin 2009: 326 ff.).

For an internal validation of the Wordfish analysis, the word parameters – word weights and fixed effects – can be plotted against each other to examine the impact of individual words. Frequent words do not discriminate along the latent underlying dimension and have large fixed effects with word weights around zero. Less frequent words allow for discrimination and have small fixed effects with positive or negative word weights. Accordingly, this procedure results in what Slapin and Proksch (2008: 715) call an ‘Eiffel Tower of words’, with indiscriminative words at the top centre and discriminative words in either of the bottom corners. In contrast, this shape is not obtained if the words cannot be used to discriminate along a latent dimension. In this case, there is a word cloud including words with low fixed effects and word weights around zero.

For example, Wordfish can be used to analyse whether the European Commissioner for Economic and Financial Affairs Joaquín Almunia changed the position he took in speeches on financial markets over time. Given this specific interest, only speeches on this topic should be included. Wordfish then pools all words from all the speeches Almunia delivered on financial markets and assigns word parameters to them. A document-feature matrix is constructed with the speeches in the rows, the used words in the columns and the frequencies with which each word is used in the respective speech in the cells. Based on these word frequencies, a Wordfish estimate is assigned to each speech. In the case of Almunia's speeches on financial markets, an 'Eiffel Tower' emerges when plotting the parameters of the stemmed words (panel A in figure 5.2). The words *financi** and *market* do not provide information on the text's location as those are frequent and were used to construct the 'Commissioner – Topic'.³³ In contrast the words *fragment** and *transact** denote the left side and *bad* and *toxic* characterise the right side. Speeches in which discriminative words from either side are frequently used will be assigned to that side. In contrast, when applying Wordfish to the European Commissioner of Trade Danuta Hübner's speeches that were generally related to her portfolio, a word cloud emerges (panel B in figure 5.2). This indicates that there is apparently no underlying dimension that Wordfish can identify because the word usage in the included texts does not notably differ.

³³ Different endings of the same stem are subsumed in an asterisk.

(A) Almunia – Financial Markets



(B) Hübner – Portfolio

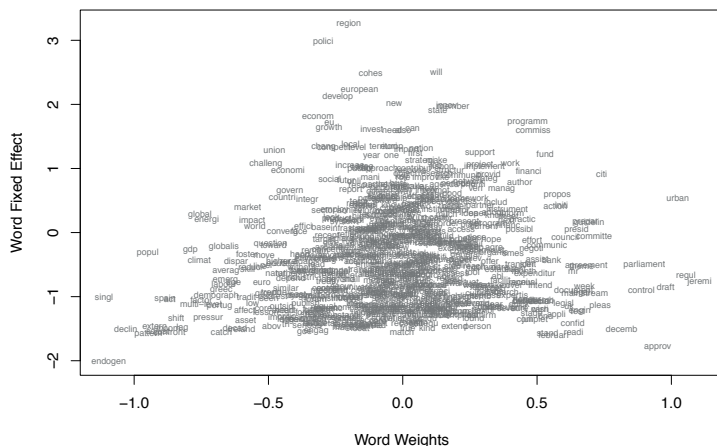


Figure 5.2 – Illustration: Plotting Word Weights vs. Word Fixed Effects

Originally, Wordfish was developed to automatically extract positions from national political party manifestos. However, there have been applications to other types of political texts and to additional policy arenas, including European politics. Klüver (2009; 2011) uses Wordfish to analyse interest group success. She extracts the positions of interest groups from their submissions in Commission online consultations and compares these positions to that of the Commission before and after the consultation. Proksch and Slapin themselves (2015; 2010) analyse speeches in the EP, finding no strong support for a left-right divide among parliamentarians and parties.³⁴ The ideological movement of politicians over time is analysed with Wordfish in two projects on presidents in the Americas. American presidents give widely recognised annual speeches covering a broad range of issues (known as the ‘State of the Union Address’ in the US). These speeches have been analysed in the US case (Lowe 2014; Sides 2014) and also for Latin American presidents (Arnold *et al.* 2017; Doyle 2014). These are examples of how Wordfish has been applied across settings and to different types of policy documents.

In 2015 Deckarm and Selck discussed methods to conduct research on the individual European Commissioner. They argued that this is crucial to further our collective understanding of the Commissioners’ work and their behaviour in office. Deckarm and Selck conclude that applying text analysis methods to Commissioner’s speeches provide valuable insights into the behaviour of individual Commissioners and possibly also into decision-making in the College of Commissioners. Hence, the analyses presented in this chapter make a called-for

³⁴ This is in contrast to Hix *et al.* (2006) who conclude that the left-right dimension is the primary voting dimension based on their NOMINATE analysis of voting in the EP.

contribution to improve our understanding of the European Commission.

5.2 Data

5.2.1 Case Selection: Barroso I

Three main criteria have guided the case selection. First, as many Commissioners as possible should be included in the analysis. Second, one of the Commissions with only one Commissioner per member state should be selected. As hypothesis 1 expects a change in the government status of the Commissioner's party to affect the position a Commissioner takes in speeches, selecting a Commission with one Commissioner per member state minimises interferences of different relations to the government and possible different selection dynamics. Third, some time should have passed from when the analysed speeches were held, as research on the analysed time period (which is only published with a time lag) will help put the findings into perspective.

Accordingly, the speeches of all Commissioners who have served in the first Commission under President José Manuel Barroso between 2004 and 2010 have been analysed. This was the first Commission after the EU's 2004 enlargement and was also the first to include only one Commissioner per member state. Before, the larger member states were entitled to two Commissioners, often sending one Commissioner from a government party and one Commissioner from an opposition party (Döring 2007; Wonka 2007). In total, Commissioners from 27 European countries are included in the analysis. Including President Barroso, a total of 34 Commissioners were studied.

The aim of this analysis is to trace the extent to which individual Commissioners change their positions in speeches over time. Accordingly, Commissioners are not compared to each other but

solely to themselves. The specialised portfolios and subsequently the specialised vocabulary used would make a cross-Commissioner analysis difficult. There are other requirements which need to be met to apply Wordfish. The dictionary of political words needs to remain stable over the analysed timeframe, that is, the relationship between words and positions should be stable over the period covered. Considering one Commission term only minimises the risk of mixing different understandings of political concepts, because the political circumstances were relatively constant and accordingly it is assumed that the meaning of the utilised words was constant during these five years. Also, the document type and the context need to be constant – for example one cannot compare manifestos to political speeches, since a different vocabulary is used in both document types and they also serve different purposes. Hence only Commissioner speeches are compared to each other and no other documents are included.

5.2.2 Description and Pre-Processing of the Data

All speeches given by a Commissioner in the extended term between November 2004 and February 2010 were downloaded from the European Commission's press release database RAPID. All speeches are available as Microsoft Word files. RAPID is the most complete repository of Commissioners' speeches available. It does not guarantee a full coverage, though. The vast majority of speeches, and certainly the important ones, are available. Commission sources report that there are no political reasons for not making speeches available, but that these rare cases rather point to organisational shortcomings in the respective Commissioner's press team.

In total, 4,185 speeches were downloaded. Of the downloaded speeches 3,239 were available in English, and 946 were available in other languages, mainly in French (473) and German (221). Further, 1,018 of all speeches are available in a Commissioner's native

language, with some being only available in that language and others also in English or other languages. Commissioners held speeches all over the world, with an obvious clustering in the EU countries (see figure 5.3). Within Europe, most speeches were held in Brussels and Strasbourg, followed by national capitals (see figure 5.4). Commissioners gave 390 speeches in their respective home countries and held 171 speeches in the plenary of the EP.

In a next step, speeches were organised by Commissioner and then manually sub-divided according to broad topics in each Commissioner's portfolio. This was done because both the policy field and personal preferences affect word choice, which the algorithm would pick up as change. The classification was done inductively for each individual Commissioner. In most cases, the title of a speech allows for a clear classification. The majority of speeches deals with very specific topics within the Commissioner's portfolio, for example, on-going World Trade Organisation (WTO) negotiations in the trade portfolio, the dairy sector in the agriculture portfolio or biodiversity in the environment portfolio. In cases in which the title did not allow a clear classification into a sub-topic, the speech was read. If a clear topic emerged, the speech was classified accordingly. When this was not the case or when several topics appeared, the speech was not classified.³⁵

³⁵ Alternatively, Commissioners' speeches were classified using topic models based on a latent Dirichlet allocation (LDA; Blei *et al.*, 2003). In an LDA model, a text is understood as a mixture of topics, resulting in the observed word frequencies with a certain probability. The results were unsatisfying, as the topics were not always distinct and did not stabilise when reducing the number of topics. Accordingly, the Commissioner – Topics derived from the inductive classification were used for the remainder of the analysis.

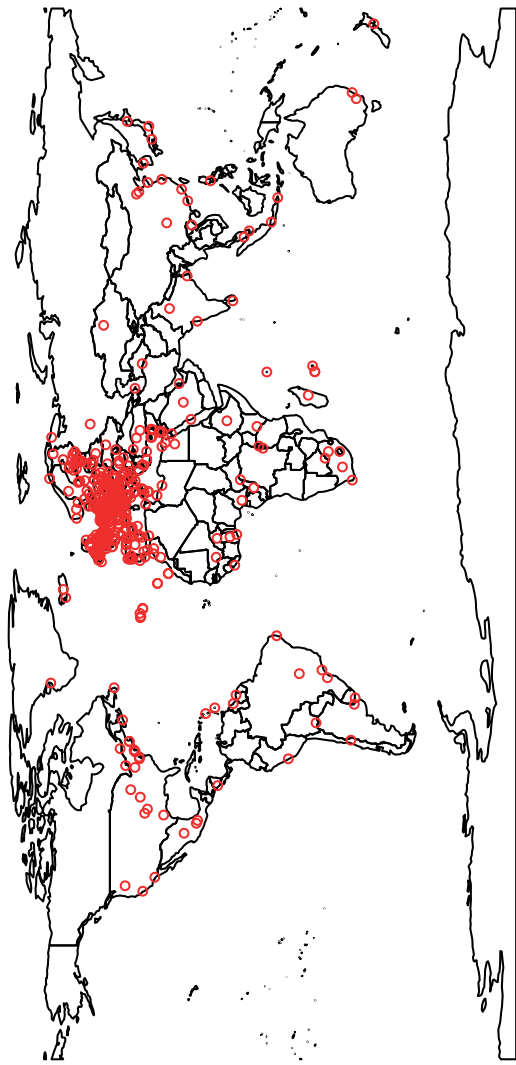


Figure 5.3 – Location of Commissioner Speeches

Note: Each circle represents one speech held at a specific location.
Map created using the rworldmap-package (South 2011).

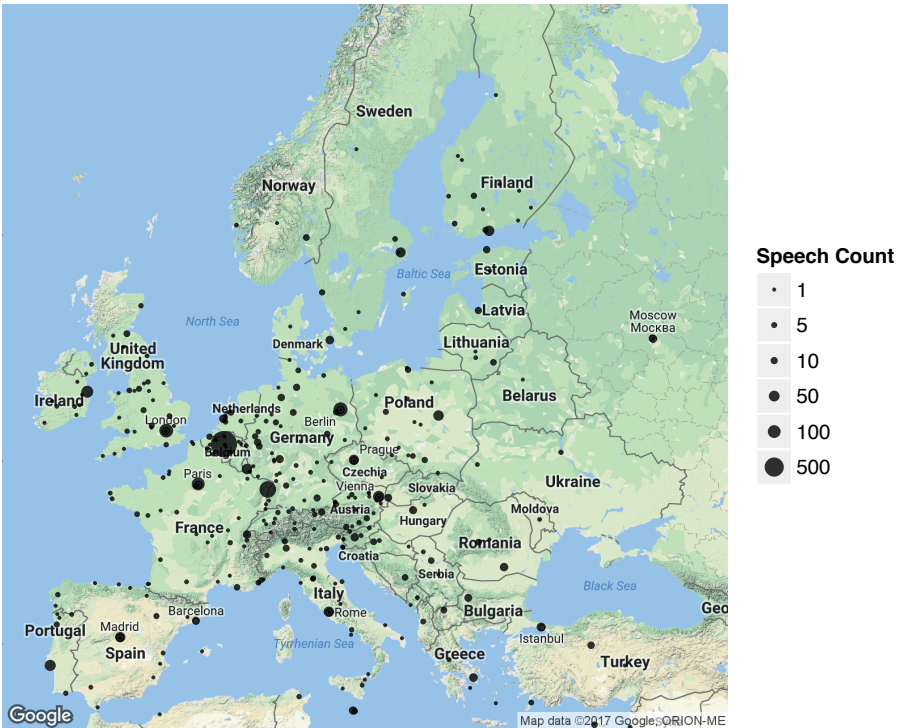


Figure 5.4 – Frequency of Commissioner Speeches in Europe

Note: Each circle represents speeches held at a specific location, with circle size corresponding to the frequency of speeches at that location, as the caption on the right-hand side specifies. Map created using the ggmap-package (Kahle and Wickham 2013).

The outcome of this procedure is the unit of analysis, which is called ‘Commissioner – Topic’. One Commissioner – Topic includes all speeches given by a single Commissioner on a single topic, such as Wallstøm – Women. If several Commissioners speak on the same topic, these are different Commissioner – Topics, since every Commissioner has a distinct perspective. For example, a trade Commissioner’s speeches on development (Mandelson – Development) have a different focus than a development Commissioner’s speeches on that same topic (Michel – Development). This resulted in 34 Commissioners holding speeches on 133 discernible topics. Given this categorisation of speeches into Commissioner – Topics, the latent dimension that Wordfish captures is expected to reflect the topic at hand, so that changes in Wordfish estimates represent changes in the Commissioner’s position on that topic.

The analysis was run using the R-package *quanteda* (Benoit 2017). To prepare the texts for analysis, the downloaded Word files were transformed into txt files. Then the texts were tokenised (i.e. the text was split into individual lowercase-only words, removing numbers, punctuation and stopwords).³⁶ Subsequently, the words were stemmed, subsuming words like *economy* and *economic* into the common stem *econom**. The resulting document-feature matrix could then be used to obtain Wordfish estimates of the positions.³⁷

Of the 133 Commissioner – Topics which resulted from the inductive classification described above, only those with ten or more speeches were utilised. The used threshold was lower than the 20 texts

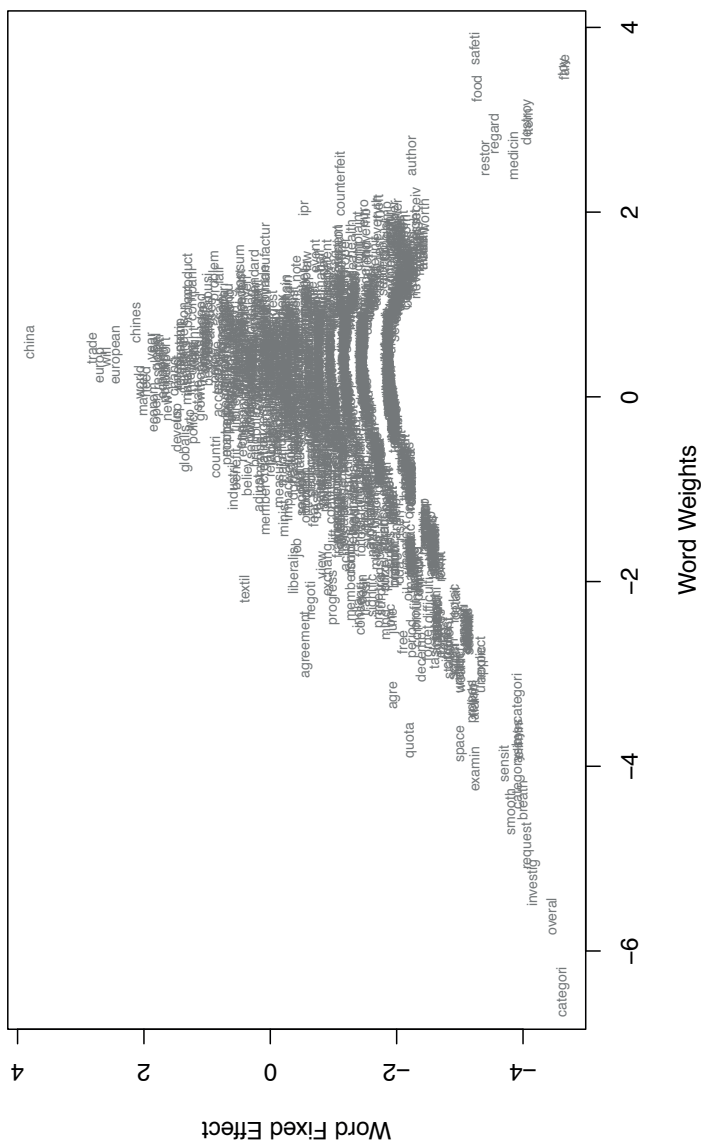
³⁶ Stopwords are frequently utilised words with no political meaning attached to them such as ‘the’, ‘a’, ‘is’, ‘are’, etc.

³⁷ The document-feature matrix has the individual speeches in the rows, the stemmed words in the columns and the respective frequencies in the cells.

recommended above. To avoid biases caused by infrequent words, these were excluded: If a Commissioner – Topic contains more than ten speeches, words which appeared in less than 10% of the speeches were excluded. If a Commissioner – Topic contains exactly ten speeches, words which appeared in only one speech were excluded. This low threshold was chosen because the speeches were already sorted by topic, which reduced noise in the data. Both a higher and a lower threshold were chosen as well. Generally, a higher threshold excludes too many words and a lower threshold makes the analysis more sensitive to changing sub-topics. Therefore, the appearance in two texts or 10% of texts emerged as meaningful thresholds. Eleven Commissioners gave less than ten speeches on a single topic during the entire term, which excluded these Commissioners from further analyses based on the thresholds just established. The resulting corpora typically have around 1,000 unique word stems, even after excluding stopwords and words used in few documents. This increases the confidence in the robustness of the estimates, as the results are not driven by infrequent words. Based on these rules, 62 Commissioner – Topics were constructed and analysed (as listed in this chapter's appendix A).

5.2.3 Validation

The results of Wordfish and other unsupervised text analysis approaches need to be validated (as discussed by Grimmer and Stewart 2013). The method only picks up that 'something' is changing, as Proksch and Slapin (2009) discuss. Accordingly, the Wordfish output needs to be evaluated.



Regarding content validity, it is important to check the meaningfulness of the single underlying dimension that Wordfish identifies. For this purpose, it needs to be checked whether the words that are assigned to opposing ends of the dimension indeed represent contrasting positions on an issue. For example, in the speeches of Trade Commissioner Peter Mandelson on China, Wordfish plausibly identifies speeches on industries and liberalisation (*liberalis**, *job*, *progress*, *industri**) as one pole and speeches on problems related to counterfeit and food safety (*counterfeit*, *patent*, *food*, *safeti**) as the other (see figure 5.5).

The poles seem to represent the two sides of trade cooperation with China, that is, stressing the progress on liberalisation versus highlighting problems regarding counterfeit and patent infringements. For example, the speech with the lowest Wordfish estimate (-0.99, SPEECH-05-344) was a statement to the press following EU-China negotiations on textiles and the one with the highest estimate (2.01, SPEECH-07-747) was titled 'Product Safety in China' and was delivered to the AQSIS International High Level Food Safety Forum. While the former frequently mentioned *agreement* (13 times), *textile** (7) and *industry* (3), none of these words was mentioned in the latter speech. In turn, that speech highlighted *safeti** (28), *consum** (14), *food* (12) and *standard* (10), none of which were mentioned in the former speech. This different lexicon results in the speeches being positioned on opposing ends of the underlying dimension.

With regard to criterion validity, the question is whether this measure of positions correlates with other measures of positions. Here, the case of the changing position on climate change serves as an example. As a highly salient topic, climate change and the role the European Commission played in shaping climate change policies has attracted scholarly attention (Schreurs and Tiberghien 2007; Vogler and Bretherhon 2006; Wurzel and Connelly 2011). Barnes

(2011) finds that Barroso's ambitions regarding climate change were initially very modest, but the President took on more personal responsibility for the development in this policy field in 2007. This resulted in more ambitious targets and the Commission's quest to provide leadership in the upcoming negotiations at the 2009 Copenhagen summit. The development described in this study matches the findings on climate change positions. President Barroso indeed only started in 2007 to deliver speeches specifically concerned with climate change and the positions that he took became more outspoken towards December 2009, when the Copenhagen summit took place (see this chapter's appendix B for more information on Barroso's speeches on climate change). Likewise, this trend is also reflected in the speeches by Environment Commissioner Stavros Dimas.

Overall, these examples demonstrate that the method seems to be able to pick up on important changes in Commissioners' speeches and increases confidence in using this method as a tool to investigate Commissioner behaviour.

5.2.4 Operationalisation

Three factors are expected to drive Commissioners to change their positioning: developments in their policy portfolio, external shocks and – most importantly from the thesis' theoretical perspective – their appointing principals being voted out of office. The converse causation was only expected to work in an additive way: only when none of the events happened, are Commissioners expected not to change their positions revealed in their speeches.

Development in a policy portfolio was the most challenging variable to operationalise. The first notion was to equate policy development with legislative activity. However, the Commission issued more than 4,000 legislative proposals throughout the term. Hence, a more fine-grained approach was necessary to assess whether there were

relevant developments apart from looking at legislative activity as such. Therefore, the annual review chronologies from the *Journal of Common Market Studies* (JCMS) were utilised. The annual reviews present an independent and concise (four to eight pages) expert assessment of significant events in the EU throughout the preceding year. The relevant annual reviews were downloaded (2004–2010). Subsequently, the annual reviews were read and manually coded, counting any mentions of the 60 topics identified beforehand.

There were 370 individual mentions of the 62 Commissioner – Topics in the JCMS reviews (see this chapter's appendix A for information on the independent variables discussed here). The range of occurrences is 0 to 59 for a topic over the entire period. The latter is an outlier because each ratification of the Constitution or the Lisbon Treaty was mentioned separately in the reviews. The mean value is 6 mentions, the median value is 2. For example, Russia was mentioned once in 2004, twice in 2005, once in 2006, nine times in 2007 and six times each in 2008 and 2009. The corresponding Commissioner – Topic to which these values are assigned is Ferrero-Waldner – Russia. Based on these frequent mentions, it is assumed that there were relevant developments in this policy area. However, no frequency threshold was established so that every mention of a topic is assumed to represent a relevant development in the policy portfolio. Only those topics that were not mentioned a single time throughout the Commission term (13 out of 62 Commissioner – Topics) are considered stable.

Next, unforeseen external events with the potential to update an actor's assumptions about the state of the world are expected to affect positioning. The financial crisis of 2007/08 with its major global implications on many different policy fields was identified as the only major event matching this description during the term of the first Barroso Commission. The date after which Commissioners were

expected to adapt to the new situation was 15 September 2008. That was the day on which the financial services firm Lehman Brothers filed for bankruptcy. This resulted in a 4.4% drop of the Dow Jones stock market index – the largest drop in a single day following the 9/11 terrorist attacks – which signalled the massive consequences of this bankruptcy and made political actors worldwide recognise the seriousness of the situation.

A change of the Commissioner's principal is understood as a change of the domestic government in such a way that the Commissioner's party was voted out of office. It is irrelevant whether the party had been the junior or senior partner in a coalition and whether a previous partner continues in government. The date of the relevant election preceding the change of government composition was taken as the hypothesised point in time after which the Commissioner's position is expected to change, as all government changes during this period were preceded by an election. The following Commissioners were members of a party that was in government when they were appointed but whose party was voted out of office during their term: Barroso, Dimas, Figel, Frattini, Hübner, Kroes, Kuneva, Orban, Spidla and Wallström. Frattini's party was also voted back into office again during his term (see next section).

5.3 Analysis

The chapter's dependent variable is change in the positions European Commissioners take in their speeches. Therefore, the position estimates of the individual speeches were regressed on time for the 62 Commissioner – Topics to test whether there was a linear trend in positioning. There was a significant trend (< 0.1) in the Wordfish estimates in 40 Commissioner – Topics. In addition to this analysis, the graphic illustration of positions over time were also considered in order to assess whether there appear to be non-linear trends. This was not the case.

Figure 5.6 illustrates the analysis of the individual factors, by displaying three Commissioner – Topics for each. The x-axis of each figure is a timeline (November 2004 to February 2010), and the y-axis represents the Wordfish estimate. A grey line connects the estimates of individual speeches to underline their trend character. In the cases of external shocks and a change in the appointing principal, a vertical line marks the date of the decisive event expected to have an impact on Commissioners' positions (i.e. the onset of the global financial crisis (dashed) and the date of the respective national election (dotted)). For the development of the policy field, no sharp change after a given date was expected. Table 5.1 displays how often each of the Commissioner – Topics included in figure 5.6 was mentioned in the JCMS annual reviews, the operationalisation used to measure developments in a Commissioner's policy portfolio.

| Commissioner – Topic | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | Count |
|-------------------------------|------|------|------|------|------|------|-------|
| Almunia – Financial Markets | 1 | 1 | | 2 | 3 | 3 | 10 |
| Dimas – Climate Change | | | 1 | | 2 | 6 | 9 |
| Fischer Boel – CAP | | 2 | | | 2 | | 4 |
| Hübner – Cities | | | | | | | 0 |
| Kroes – Energy | | | | | | 1 | 1 |
| McCreevy – Corp. Governance | | | | | | | 0 |
| McCreevy – Financial Services | 1 | | | 5 | 1 | | 7 |
| Piebalgs – Energy | | | | 4 | 3 | 9 | 16 |
| Wallström – Constitution | | 14 | 4 | 3 | 27 | 11 | 59 |

Table 5.1 – Number of Mentions of Selected Commissioner – Topics in JCMS Annual Reviews

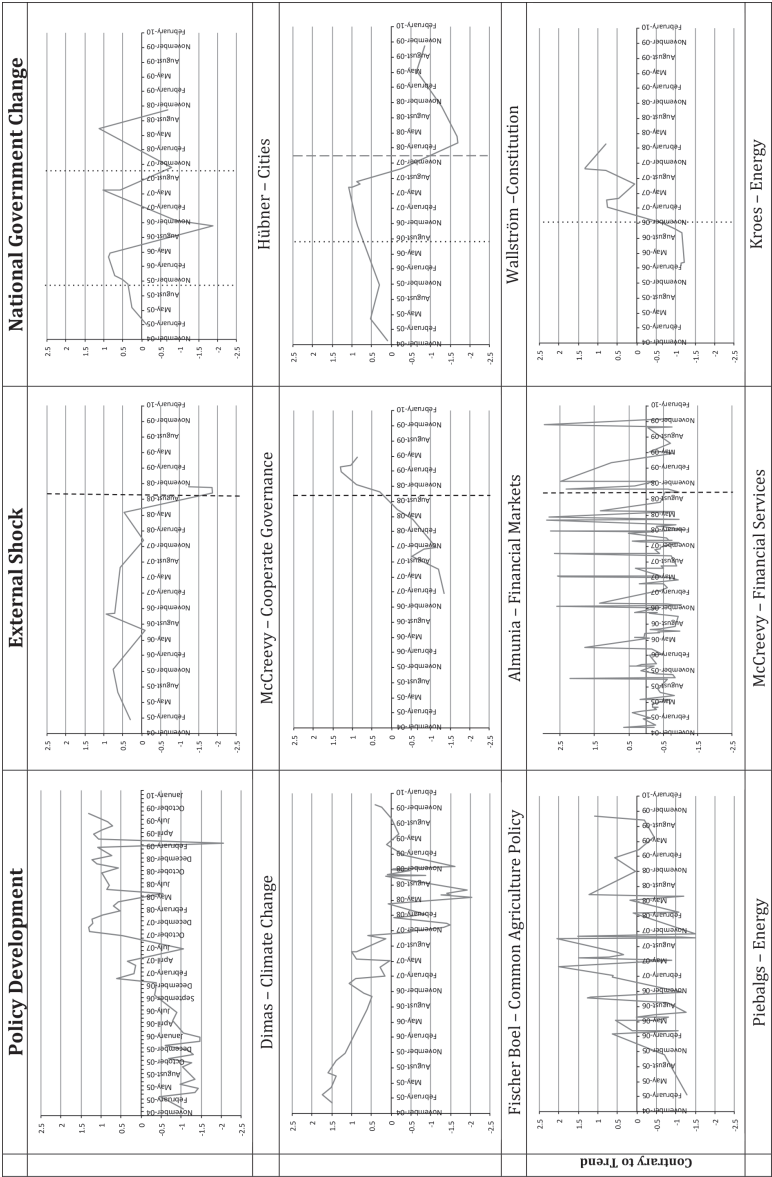


Figure 5.6 – Time Trends in Nine Commissioner – Topics

First, it is expected that a development in the policy field would result in a changing positioning of the Commissioner. The data support this claim. Of the 49 Commissioner – Topics that were mentioned at least once in the JCMS annual reviews, there was a change in positioning in 35 cases over time, while in 14 cases there was no such change. So, for example, trends in the speeches on agriculture and fisheries can be easily related to developments in the respective policy fields. The significant negative trend in Agriculture Commissioner Mariann Fischer Boel's speeches is closely related to the move from the sugar reform (*sugar, reform, consum**)³⁸ to what she chose to call the 'health check' of the Common Agricultural Policy (CAP; *health, check, quota*), arguably two of the defining policies of her term (Daugbjerg and Swinbank 2011). In the case of Fisheries, Commissioner Joe Borg's speeches also displayed a significant negative trend, as the reform of the Common Fisheries Policy gained momentum (*reform, govern**). Another prominent Commissioner – Topic was Margot Wallström's speeches on the constitutional treaty (the signature of the Lisbon Treaty in December 2007 is denoted by the dashed vertical line in the figure). Here, the speeches clearly move from stressing the treaty's importance (*crucial, enhanc*, pertinent*) to discussing the Lisbon Treaty and the first Lisbon referendum in Ireland (*Lisbon, Irish, Ireland, referendum*).

Second, of the nine Commissioner – Topics which we expected to be affected by the financial crisis,³⁹ seven display a significant change after the onset of the financial crisis. In these cases, *t*-tests comparing the Wordfish estimates before and after the bankruptcy of

³⁸ See this chapter's appendix C for displays of word weights vs. word fixed effects for the discussed Commissioner – Topics.

³⁹ Almunia – Economy; Almunia – Economic and Monetary Union; Almunia – Financial Markets; Barroso – Economy; Kroes – Antitrust; Kroes – State Aid; McCreevy – Corporate Governance; McCreevy – Financial Services; Potocnik – Economy

Lehman Brothers were significant. Figure 5.6 displays the speeches of Commissioners McCreevy and Almunia on Corporate Governance and on Financial Markets, respectively. For example, the vocabulary in McCreevy's speeches on Corporate Governance changed from the standard words associated with this policy field (*audit**, *merger*, *stakehold**), to discussing the 'perverse incentives [that] encourage excessive risk-taking for short term gain' (SPEECH-08-518; *credit*, *system*, *perver**, *incent**). Only McCreevy's speeches on financial services and Almunia's speeches on the Economic and Monetary Union were not affected by the crisis. Thus, Commissioners clearly react to external events with such a decisive impact, as the financial crisis had.

Hypothesis 1 expected a change in the government status of the Commissioner's national party to result in changes in the positions a Commissioner takes in speeches. The data do not support this hypothesis. The nominating parties of ten Commissioners of the Barroso I College were voted out of office during their term. These ten Commissioners delivered speeches on 24 Commissioner – Topics. There was a significant linear trend over the entire period in 15 of these Commissioner – Topics. A *t*-test comparing speeches held before an election to those held after an election was estimated for all of these 15 Commissioner – Topics. However, the speeches before and after the respective election differed significantly in only five Commissioner – Topics. Hence, most of these 15 trends could not be related to the change in government (such as Regional Policy Commissioner Hübner's speeches on cities), or they could better be explained by other events. For example, in her speeches on communication, European Commissioner for Communication Wallström reacted to portfolio developments, and Commissioner Kroes' speeches on antitrust policy were clearly affected by the financial crisis (*financi**, *euro*, *crisi**, *aid*).

Only the speeches on three Commissioner – Topics yield weak support for hypothesis 1. Competition Commissioner Kroes' speeches on energy display a change in position at the same time that her party is voted out of office in the Dutch legislative elections. The trend – towards a liberal free market approach and an unbundling of energy and transmission system operators – was in line with the new Dutch government's focus. In addition, Commissioner Kroes was atypically reappointed in 2010, despite not being a member of a government party. However, the change of position might as well reflect a broader liberalisation agenda (which also conforms to her personal ideological preferences). Also, her reappointment can be seen as driven by Barroso's promise of more important portfolios to those member states nominating women and liberals (Crombez and Hix 2011). In other cases – such as the state aid case to the Dutch ING bank – there were public disputes between Kroes and the new Dutch government (Peeperkorn 2009).

Also, Commissioner Frattini changed his positions on migration and security when his party was voted out of office. The change could be related to external events as well and he clearly did not adapt his position to the new government's – when his party returned to government in 2008, he was swiftly appointed to become foreign minister of Italy. In the case of Czech Commissioner Jan Figel there is only one speech registered after the Slovak elections in 2006, which his party lost. Figel thus did not change the positions he took in speeches, but he changed his working style – apparently he did not focus on European politics, but rather on his doctoral dissertation and on becoming leader of his party after the Commission's term (Crosbie 2009; Vogel 2012). Figel is thus the only case of a clear effect of a national election.

In summary, the three factors – government change, policy development and onset of the financial crisis – account for most

instances of change in Commissioners' speeches. Commissioners were expected to change their position when any of the three events occurred throughout their term, while they were expected not to change positions when none of the events occurred. Overall, national government change – the key explanatory variable in hypothesis 1 – did not affect the position European Commissioners took in their speeches. In most of the cases where a national election and a change in position occurred at the same time, the analysis has shown this to be a coincidence. Therefore, hypothesis 1 can be rejected – a change in the government status of the national party does not lead to a change in the positions European Commissioners take in their speeches. In contrast, both policy developments and the financial crisis affected Commissioner positioning. The presence or absence of change can be explained in 45 out of 62 Commissioner – Topics by the combination of these two factors. This adds up to 73% of explained cases. Cases with an unexpected outcome are enumerated in table 5.2.

Three Commissioner – Topics displayed a significant linear change that is neither accounted for by policy developments nor by the financial crisis. An analysis of these three Commissioner – Topics reveals meaningful portfolio-related trends, however. Fischer Boel switches her focus from EU-China relations towards Africa, Kallas' speeches are affected by the introduction of a lobby register and Piebalgs' speeches are affected by a change of the agenda from gas trade with Russia towards issues related to climate change. This reveals a weakness in the operationalisation of policy development, which cannot capture developments that were important at the portfolio level, but apparently not important enough to make a general review of EU affairs.

| | | Policy Developments and/or Financial Crisis Present | Neither Policy Developments nor Financial Crisis Present |
|-------------|-----------|--|---|
| Positioning | Change | 37 | 3 Fischer Boel – Global Development Kallas – Transparency Piebalgs – Global |
| | Stability | 14 Barroso – Development (2) Barroso – Financial Crisis (12) Ferrero-Waldner – Middle East (8) Kroes – Competition (1) Mandelson – WTO (1) McCreevy – Financial Services (7 + crisis) McCreevy – Single Market (5) Orban – Multilingualism (1) Piebalgs – Energy (16) Reding – ICT (2) Rehn – Romania/Bulgaria (5) Rehn – Turkey (5) Spidla – Diversity/Equality (2) Verheugen – Industry (1) | 8 |

Table 5.2 – Commissioner – Topics with an Unexpected Outcome

Note: Number of mentions in the JCMS Annual Reviews in parentheses.

There are fourteen cases in which the Commissioners were expected to change their position, but did not. Seven of those can again be explained by the aforementioned weakness of the operationalisation. These Commissioner – Topics were only mentioned once or twice in the JCMS chronology, hence there were probably not enough developments with an impact on Commissioners. However, this analysis refrained from introducing a threshold, because this would necessarily be arbitrary. Acknowledging the weakness of the measure and adding these ex-post-explained Commissioner – Topics to the explained ones raises the share of explained Commissioner – Topics to as high as 84%. A change in positioning should have been observed for the seven Commissioner – Topics marked in bold in table 5.2. Four Commissioner – Topics are especially puzzling: the financial crisis did not affect the speeches of McCreevy on financial services (but see Buckley and Howarth 2010), Piebalgs did not change his positions towards energy notwithstanding significant developments (such as the gas dispute with Russia and adaptations to climate change) and Rehn did not change his positions despite the on-going enlargements.

5.4 Conclusion

Based on the assumptions that the Commission is a political actor and that individual Commissioners matter, this chapter sought to test the first hypothesis on the effect of ties to the national political party on Commissioner behaviour. As for other politicians, it was expected that there are certain events that result in changes of positioning of Commissioners. Commissioners were expected to change in reaction to developments in the policy field and an unforeseen external event with implications for the policy field. More specifically for the EU context, it was expected that changes in the government

status of their national political party impacts Commissioners' positioning.

This chapter followed Deckarm and Selck's (2015) call to improve our understanding of the behaviour of individual European Commissioners by analysing their speeches. This was done for all speeches delivered by members of the first Barroso Commission between November 2004 and February 2010. The speeches were categorised into Commissioner-topics, as both the field and personal preferences affect word choice. To compare speeches by the same Commissioner on the same topic over time, the speeches' positions were estimated using Wordfish. The results were validated, and additional information was required for interpreting the results. Overall, around three-quarters of the cases could be explained by this analysis. However, there is not a single case for which a change in government is the only explanation for a change in positioning. Rather, Commissioners clearly reacted to the external shock represented by the financial crisis that required immediate responses in several policy fields and also to more gradual developments in the policy field that they themselves were actively involved in. Hypothesis 1 thus needs to be rejected. Overall, Commissioners do not change the position they take in speeches after their political party has been voted out of office in their home country.

On a methodological note, it can be concluded that Wordfish estimates of speech positions have proven to be valid measures of Commissioners' positioning. However, it was not an entirely automated analysis, since both the preparation of the texts and the interpretation of the results required additional 'manual' input. Furthermore, this analysis has confirmed that Wordfish is very sensitive to agenda changes when applied to time series data.

Substantively, the analysis has shown that Commissioners react to political events, but according to their speeches Commissioners are

not primarily national politicians. The link to the domestic party – and its changing status after national elections – does not have a decisive effect on the positions Commissioners take in speeches. By focusing on the extreme domestic change of the Commissioner's party leaving government, a clear reaction was expected if that link mattered, but little evidence was found. This gives reason to believe that member state governments are merely one among several principals of Commissioners – and that other principals have more impact on how Commissioners fulfil their duties once in office. Commissioners change the position they take in speeches in response to portfolio developments and external shocks. This supports the notion of Commissioners as European politicians rather than national agents. More generally, this analysis suggests that it is worthwhile to trace the positioning of individual politicians over time (instead of summarising all speeches delivered during one term in only one position estimate as Bäck *et al.* (2016) did) to learn about policy change.

A different operationalisation of the 'policy development' variable potentially improves the presented analysis. It would need to capture relevant developments on the topic level, as the overall review used here seems to miss important policy field-specific advances. Future work could also scrutinise these results by comparing Commissioners' positions to that of their member states to assess whether the link is indeed as weak as it was found to be. This could, for example, be done in cases where Commissioners and members of the government of her home country deliver speeches in the same setting. In addition, the data on speech location could be used more systematically to assess whether the positions Commissioners take when delivering speeches in their home countries differ from those they deliver to the plenary of the EP or elsewhere. The present analysis could also be expanded to other Commissions. This would allow assessing the effects of structural changes and the relevance

of the Commissioners' other principals. One possibility would be to compare whether the managing styles of different Commission Presidents have an impact on speech making (for a comparative analysis of leadership styles of Commission Presidents see Tömmel 2013).

While no strong effect of changing the national-level principal was found in the current analysis, it is still worthwhile to analyse how extensively national and partisan ties play a role in the EU's legislative process. Therefore, the next chapters will analyse the voting behaviour of member states in the Council and MEPs dependent on their links with the proposing Commissioner.

Appendix 5A – Commissioner – Topics

| Commissioner | Date Government Change (mm/yy) | Topic | No. of Speeches | Mentions 2004 | Mentions 2005 | Mentions 2006 | Mentions 2007 | Mentions 2008 | Mentions 2009 | Count Mentions |
|-----------------|--------------------------------|---------------------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Almunia | | Economy* | 12 | | | 2 | 1 | 4 | 7 | 14 |
| | | EMU* | 38 | | 4 | 1 | 3 | 2 | 7 | 17 |
| | | Financial Markets* | 13 | 1 | 1 | | 2 | 3 | 3 | 10 |
| Barroso | 02/05 | Climate Change* | 16 | | | 1 | | 2 | 6 | 9 |
| | | Development | 13 | | | 2 | | | | 2 |
| | | Economy* | 11 | | | 2 | 1 | 4 | 6 | 13 |
| | | Energy* | 15 | | | | 4 | 2 | 9 | 15 |
| | | Financial Crisis | 12 | | | | | 8 | 4 | 12 |
| | | Global* | 25 | | | 3 | 1 | | | 4 |
| Borg | | Fisheries* | 38 | | | | | | | 1 |
| | | Maritime* | 83 | | | | | | 1 | 1 |
| Dimas | 10/09 | Climate Change* | 51 | | | 1 | | 2 | 6 | 9 |
| | | Environment* | 13 | | | | | 3 | 1 | 5 |
| Ferrero-Waldner | | Middle East | 20 | | | | 4 | 1 | 3 | 8 |
| | | Neighbourhood* | 12 | 1 | 1 | 3 | 1 | 2 | 3 | 11 |
| | | Russia* | 12 | 1 | 2 | 1 | 9 | 6 | 6 | 25 |
| Figel | 06/06 | Academia | 13 | | | | | | | 0 |
| Fischer Boel | | Agriculture* | 35 | | 1 | | | | | 1 |
| | | CAP* | 48 | | 2 | | | 2 | | 4 |
| | | Global Development* | 14 | | | | | | | 0 |
| | | Rural* | 13 | | 1 | | | | | 1 |
| | | Wine | 12 | | | | | | | 0 |
| Frattoni | 04/06 & 04/08 | Migration* | 17 | | 6 | 6 | 10 | 2 | 1 | 25 |
| | | Security* | 14 | | 1 | 4 | 5 | 1 | 1 | 12 |

| | | | | | | | | | |
|-----------|---------------------|------------------------------|-----|---|---|---|---|---|---|
| Hübner | 09/05 & 10/07 | Cities | 15 | | | | | | 0 |
| | | Cohesion* | 54 | | | 1 | | | 1 |
| | | Regional Development* | 54 | | 1 | | | | 1 |
| Kallas | | Control/Audit* | 37 | 1 | | | | 1 | 2 |
| | | Transparency* | 14 | | | | | | 0 |
| Kroes | 11/06 | Antitrust* | 10 | | 1 | | 1 | | 1 |
| | | Competition | 44 | | 1 | | | | 1 |
| | | Energy* | 14 | | | | | | 1 |
| | | State Aid* | 22 | | | | | 3 | 1 |
| Kuneva | 07/09 | Consumer | 12 | | | | | | 0 |
| Mandelson | | China* | 11 | | | 1 | 1 | | 2 |
| | | Trade* | 36 | | | 1 | | 1 | 3 |
| | | WTO | 13 | | 1 | | | | 1 |
| McCreevy | | Cooperate Governance* | 13 | | | | | | 0 |
| | | Financial Crisis* | 18 | | | | | 8 | 4 |
| | | Financial Services | 112 | 1 | | | 5 | 1 | 7 |
| | | Single Market | 51 | | | 1 | 4 | | 1 |
| Michel | | Africa (FR)* | 13 | | 1 | 2 | 3 | 1 | 7 |
| | | Development (FR)* | 29 | | | 2 | | | 2 |
| Orban | 11/08 | Multilingualism | 22 | | | | | 1 | 1 |
| Piebalgs | | Energy | 40 | | | | 4 | 3 | 9 |
| | | Global* | 11 | | | | | | 0 |
| | | Regional | 18 | | | | | | 0 |
| Potocnik | | Economy* | 26 | | | | | | 0 |
| | | Knowledge* | 12 | | | | | | 1 |
| | | Research* | 48 | | | | | 1 | 1 |
| Reding | | ICT | 12 | | | | 1 | | 1 |
| | | Modern Communication | 34 | | | | | | 0 |
| Rehn | | Balkans* | 59 | | 3 | 3 | 3 | 1 | 4 |
| | | Enlargement* | 55 | | 1 | 2 | | | 2 |
| | | Romania/ Bulgaria | 12 | 1 | 1 | 1 | 1 | | 1 |

5 | Understanding Individual Commissioners by Analysing their Speeches

| | | | | | | | | | | |
|-----------|-------|------------------------|----|---|----|---|---|----|----|----|
| | | Turkey | 29 | 1 | | 1 | 1 | | 2 | 5 |
| Spidla | 06/06 | Diversity/ Equality | 13 | | 1 | | | | 1 | 2 |
| Verheugen | | External | 11 | | | | | | | 0 |
| | | Industry | 21 | | 1 | | | | | 1 |
| Wallström | 09/06 | Communication* | 23 | | | 2 | | | | 2 |
| | | Constitution* | 15 | | 14 | 4 | 3 | 27 | 11 | 59 |
| | | Women | 15 | | | | | | | 0 |

Table 5.3 – Commissioner – Topics (2004–2009)

Note: Topics expected to be affected by the financial crisis in **bold**; * denotes a significant linear time trend (<0.1).

Appendix 5B – Barroso's Speeches on Climate Change

| Speech Number | Speech Title | Date | Venue | Wordfish Estimate |
|---------------|---|----------|---|-------------------|
| SPEECH-07-563 | Statement to UN High Level event on Climate Change | 24/09/07 | United Nations High Level event on Climate Change, New York | -0.805 |
| SPEECH-07-672 | The International Carbon Action Partnership: Turning vision into reality | 29/10/07 | Launch of ICAP, Lisbon | -0.781 |
| SPEECH-07-685 | Climate and Environment – factors of peace and development in the XXI century | 07/11/07 | European Development Days, Lisbon | -0.877 |
| SPEECH-08-026 | Europe's Climate Change Opportunity | 21/01/08 | Lehman Brothers, London | -1.053 |
| SPEECH-08-514 | Can European lead the world on Climate and Aid policies? | 09/10/08 | Friends of European VIP Policy Summit, Brussels | -1.228 |
| SPEECH-09-258 | The business solution to the problem of climate change | 25/05/09 | World Business Summit on Climate Change, Copenhagen | -1.027 |
| SPEECH-09-316 | The Road to Copenhagen | 26/06/09 | Green week, Brussels | -0.736 |
| SPEECH-09-401 | Achieving a deal on climate change: An EU view on Copenhagen | 21/09/09 | Council of Foreign Relations, New York | -0.022 |

| Speech Number | Speech Title | Date | Venue | Wordfish Estimate |
|---------------|--|----------|---|-------------------|
| SPEECH-09-458 | Speech to the Global Editors' Forum: From Kyoto to Copenhagen | 09/10/09 | Global Editors' Forum, Copenhagen | 0.035 |
| SPEECH-09-502 | Tackling Climate Change in the New Political Cycle | 28/10/09 | BusinessEurope Conference on Climate Change, Brussels | -0.478 |
| SPEECH-09-530 | EC President Barros welcomes Brazil's leadership on climate change | 14/11/09 | Brussels | 1.416 |
| SPEECH-09-549 | Statement of President Barroso following the meeting with Business Leaders on Climate Change | 20/11/09 | VIP Corner, Brussels | 0.963 |
| SPEECH-09-570 | Opening remarks of President Barroso on climate change following his meeting with Lord Stern and Dr Pachauri | 03/12/09 | VIP Corner, Brussels | 1.510 |
| SPEECH-09-583 | Statement of President Barroso at the UN High Level Segment | 16/12/09 | COP 15, Copenhagen | 0.839 |
| SPEECH-09-587 | Statement of President Barroso to the Plenary of the Copenhagen conference on climate change | 18/12/09 | COP 15, Copenhagen | 0.912 |
| SPEECH-09-588 | Statement of President Barroso on the Copenhagen Climate Accord | 19/12/09 | COP 15, Copenhagen | 1.334 |

Table 2.4 – Speech Characteristics of Barroso's Speeches on Climate Change

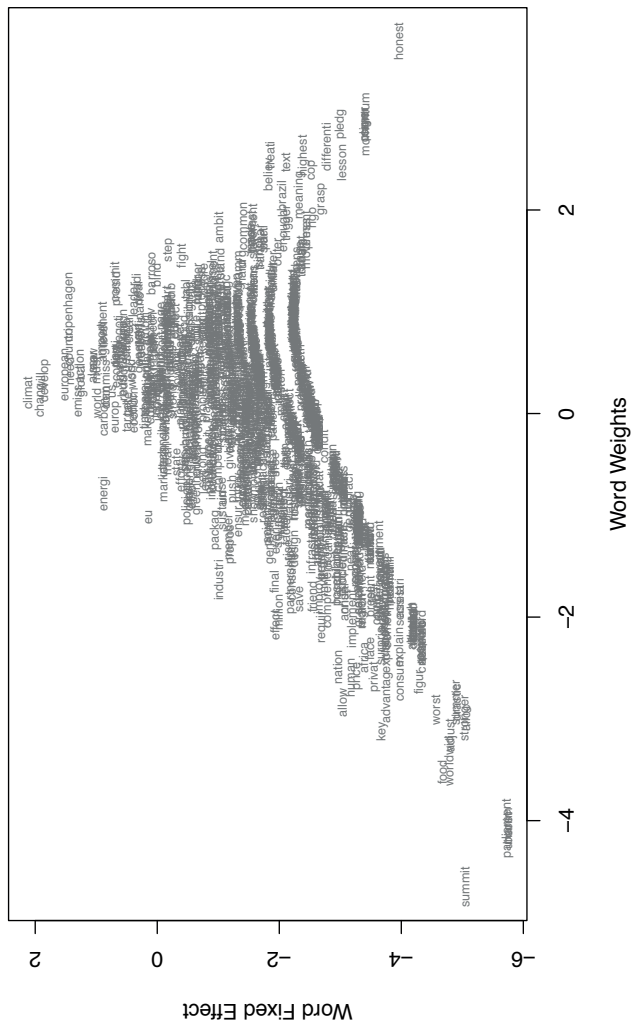


Figure 5.7 – Word Weights vs. Word Fixed Effects, Barroso – Climate Change

Appendix 5C – Word Weights vs. Word Fixed Effects for Discussed Commissioner Topics

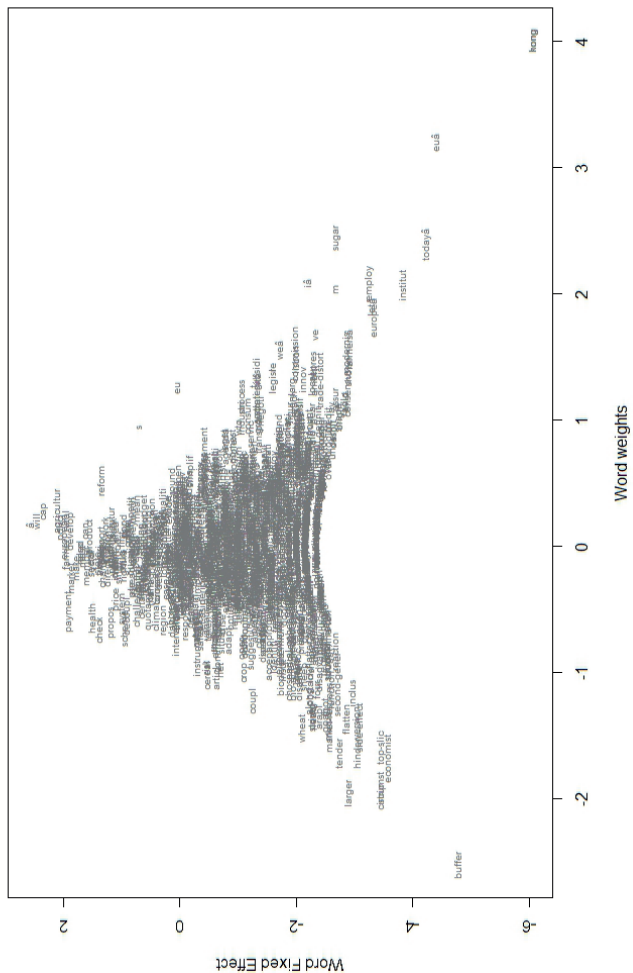


Figure 5.8 – Word Weights vs. Word Fixed Effects, Fischer Boel – CAP

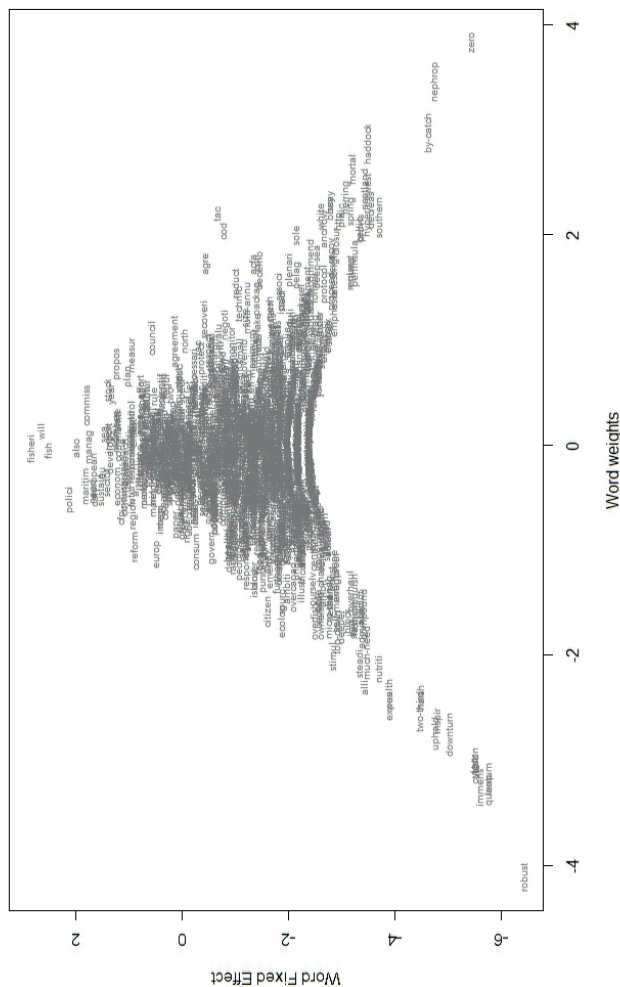


Figure 5.9 – Word Weights vs. Word Fixed Effects, Borg – Fisheries

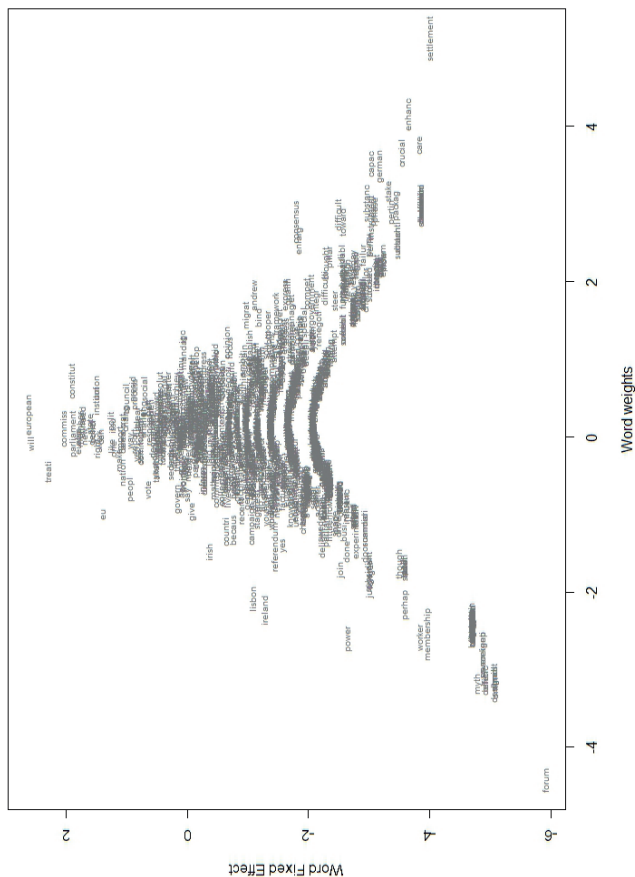


Figure 5.10 – Word Weights vs. Word Fixed Effects, Wallstöm – Constitution

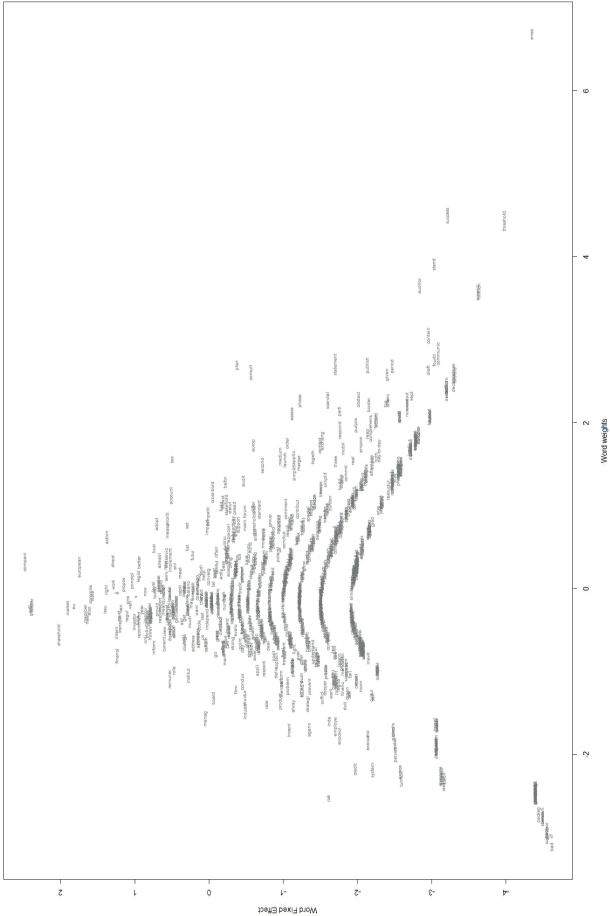


Figure 5.11 – Word Weights vs. Word Fixed Effects, McCreedy – Corporate Governance

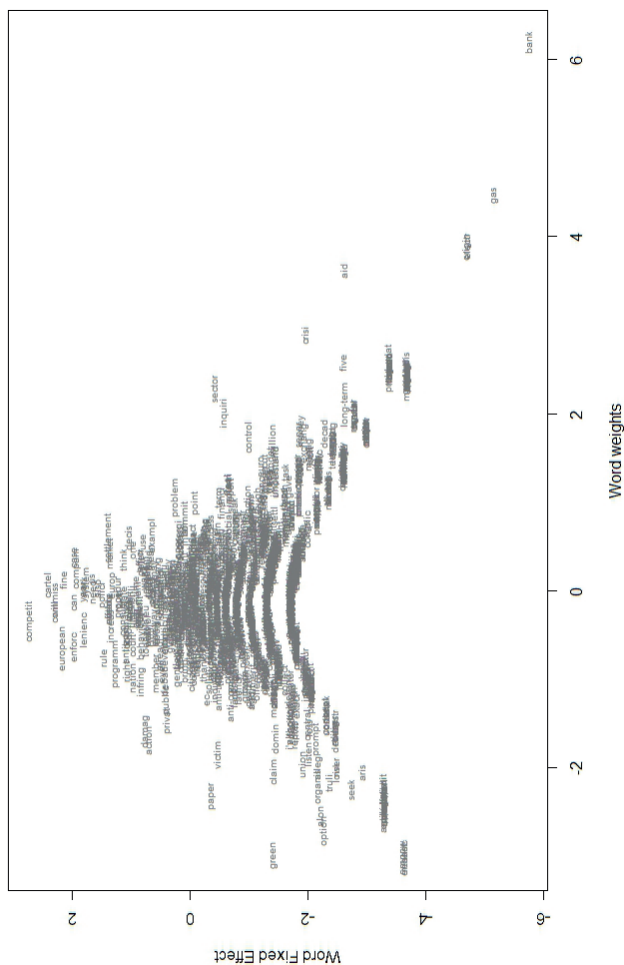


Figure 5.12 – Word Weights vs. Word Fixed Effects, Kroes – Antitrust

6 THE INFLUENCE OF THE RESPONSIBLE COMMISSIONER ON COUNCIL VOTING⁴⁰

This chapter focuses on how member states in the Council vote on legislative proposals tabled by European Commissioners. The spatial models developed in chapter 3 have demonstrated that the configuration of member state preferences in the Council could have an impact on the discretion of the Commissioner responsible for a legislative proposal. If she aims at tabling an adoptable proposal, these preferences have to be kept in mind. This chapter tests how successful Commissioners are in garnering the support of the member states for their legislative proposals. In turn, this means testing whether the vote choice of member states in the Council can partly be explained by taking characteristics of the proposing Commissioner into account. Hence, this chapter starts testing the second part of the research question, namely analysing the extent to which Commissioner characteristics impact the EU's legislative process.

To summarise, it is expected that shared characteristics ease inter-institutional decision-making and make contesting votes less likely. Still, it is not always feasible (and possibly also not desirable) for a Commissioner to accommodate the preferences of all member states when introducing a legislative proposal. This is especially true when the status quo is not located at either extreme of the policy space. Contesting votes are thus not entirely preventable and can to a certain extent be expected. If shared characteristics indeed lower the likelihood of contestation, it can be argued that these

⁴⁰ This chapter is based on Killermann, K. (2016) 'Loose Ties or Strong Bonds? The Effect of a Commissioner's Nationality and Partisanship on Voting in the Council', *JCMS: Journal of Common Market Studies* 54(6): 1367–1383.

characteristics have a relevant impact on how Commissioners act in office.

Even though Commissioners are formally the agents of all member states, it seems safe to assume that the ties between a Commissioner and her home country are stronger than the ties with the other member states. It is reasonable to assume that she is more familiar with the political system of her home country, including a higher awareness of trends and positions. Accordingly, the policy content of proposals Commissioners make is expected to generally be in line with the preferences of the Commissioner's home country. Consequently, member states' governments should rarely be in a position to vote against proposals coming from their 'own' Commissioner (hypothesis 2).

Furthermore, shared partisanship is expected to ease inter-institutional cooperation in the legislative process. It is assumed that being a member of the same EPG as a Council member is a big asset for Commissioners as it signals shared preferences and thus promises ready cooperation. This chapter tests whether a contesting vote is indeed less likely if the proposing Commissioner and the national minister responsible for the Commissioner's portfolio are members of the same EPG (hypothesis 3a). Likewise, it is tested whether shared partisan ties between the Commissioner and any of the parties in government have an effect on the likelihood of contestation (hypothesis 3b). Commissioners can have partisan ties to the governments of several member states – and it might even be the case that the government of the Commissioner's home country is not one of them.

In addition, the strength of the relationships expected in hypotheses 2 and 3a/b are assumed to vary across policy fields. It is examined whether the effect of national ties is stronger in redistributive policy fields (hypothesis 4a) and whether the effect of partisan ties is

stronger in policy fields mostly contested along the left-right dimension (hypothesis 4b). These hypotheses are tested using an original dataset on contested Council votes on legislative proposals held between 1999 and 2014.

6.1 A Brief Introduction to Council Organisation

Chapter 2 introduced the rules and procedures regarding Commission organization and appointment as well as intra- and inter-institutional decision-making procedures. These procedures are relevant throughout the entire thesis. In contrast, Council organisation is mainly relevant for this chapter and EP organisation is for the next. Hence, these are briefly introduced in their respective chapters.

The Council brings together representatives of member state governments. Its key responsibilities include negotiating and adopting EU laws as well as coordinating member states' policies. The Council is comparable to the upper house of a bicameral legislature, in that its members are not elected for their position in the Council but rather representatives of the (elected) member state governments. Legally, the Council is a single institution but it meets in ten configurations, depending on the policy topic.⁴¹ Although there is no formal hierarchy between these configurations, its coordinating responsibilities endow the General Affairs Council with a special role and also the Foreign Affairs Council stands out.

Just as the Heads of Cabinet prepare meetings of the College of Commissioners, Coreper (Committee of the Permanent

⁴¹ Agriculture and Fisheries; Competitiveness; Economic and Financial Affairs; Education, Youth, Culture and Sport; Employment, Social Policy, Health and Consumer Affairs; Environment; Foreign Affairs; General Affairs; Justice and Home Affairs; Transport, Telecommunications and Energy.

Representatives of the Governments of the Member States to the European Union) prepares meetings of the Council. Coreper is the Council's main preparatory body and its role is established in Article 240(1) TFEU.⁴² Coreper meets weekly in two configurations,⁴³ and typically all items on the Council's agenda have first been discussed in Coreper. Items on which agreement has been reached in the preparatory bodies are included as 'A items' on the Council agenda, those requiring further discussion become 'B items'. A items are then typically adopted *en bloc* at the beginning of the next Council meeting. Legally, there is an individual vote on each legislative proposal that is an A item, and each A item note includes the forecast of votes for the member states, which can be altered during adoption. Also, any member of the Council or the Commission retains the possibility to express their opinion on an A item at the time of approval and statements can be included in the Council minutes. A legal act can be adopted by any Council configuration and Council configurations habitually adopt A items falling within the remit of another configuration. In contrast, B items are those requiring further discussion by the Council (cf. Article 3 of the Rules of Procedure of the Council (Council of the European Union 2016)) and are thus discussed in the specialist Council, before being

⁴² Article 240 (1) TFEU: 'A committee consisting of the Permanent Representatives of the Governments of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the latter. The Committee may adopt procedural decisions in cases provided for in the Council's Rules of Procedure.'

⁴³ Coreper I is responsible for preparing the meetings of the Agriculture and Fisheries Council, the Competitiveness Council, the Education, Youth, Culture and Sport Council, the Employment, Social Policy, Health and Consumer Affairs Council, the Environment Council, and the Transport, Telecommunications and Energy Council. Coreper II is responsible for preparing the meetings of the Economic and Financial Affairs Council, the Foreign Affairs Council, the General Affairs Council, and the Justice and Home Affairs Council.

referred back to Coreper for additional negotiation (as discussed by Kreppel 2013).

As discussed in section 3.4.1, there are two main voting rules in the Council. In a few core policy fields decisions need to be taken unanimously, whereas a qualified majority of votes is sufficient in the other policy fields. Since 1 November 2014, a member state's voting weight is based on its population's percentage of the total EU population. To reach a qualified majority, at least 55% of member states representing at least 65% of the EU population need to vote in favour of a proposal (see appendix B for how the voting weights and rules changed over time).

6.2 Previous Research on Council Voting

With the increasing powers of the EU, demands to make the legislative process more transparent were voiced more vehemently. One important step in that direction was making the results of the votes taken in the Council publicly available in 1999, when the Council started publishing information on decisions, negative votes and abstention on its website (Hayes-Renshaw *et al.* 2006: 162). Since, voting in the Council has been analysed to learn more about which national-level variables impact vote choice, which member states tend to vote together and also to examine the relationship between the Council and the EP in the legislative process. However, vote choice in the Council has not previously been put in relation to characteristics of the responsible Commissioner.

Some national-level variables have been found to influence vote choice that need to be taken into consideration when analysing Council voting. Just like the proposing Commissioner, the member state holding the Council presidency is assumed to have a high interest in finding an 'adoptable' solution. Therefore, when voting on a legislative proposal, the member state holding the presidency is

expected to have a lower likelihood of contestation (Hosli *et al.* 2011; Mattila 2004). This carries over to the new system of Trio Presidencies, which is in place since 2007. In this system, countries with three consecutive six-month Council presidencies co-ordinate the Council agenda for their combined 18 months (see table 6.7 in the chapter appendix). Van Gruisen *et al.* (2017) find that during their participation in Trios, member states are more likely to cast positive votes. Additionally, Hosli *et al.* (2011) found that those member states that joined in 2004 were less likely to oppose the Council majority than ‘older’ member states – an effect the authors expect to even out as the newcomers get acquainted with the system.

Regarding voting coalitions between member states, within the Council, governments are most likely to vote with ideologically close governments (Hagemann and Høyland 2008), and as a government’s distance from the median left-right position increases, its likelihood of being in the opposition increases as well (Hosli 2008).⁴⁴ Besides ideology, several alternative explanations for voting coalitions in the Council have been offered. Elgström *et al.* (2001) as well as Mattila and Lane (2001) identify a durable north-south coalition pattern that they presume is a manifestation of cultural similarity. That is, according to Mattila and Lane’s multidimensional scaling technique (2001), Italy and Spain together with Greece and Portugal are on one pole, whereas Sweden, Denmark, the Netherlands and the UK are on the other. In contrast, based on an analysis of contested Council voting between 2004 and 2009, Bailer *et al.* (2015; cf. Kaeding and Selck 2005) argue for an interest-driven pattern based on whether member states are net receivers or net contributors to the EU budget. Also van Aken (2013) has

⁴⁴ However, van Roozendaal *et al.* (2011) find that most winning coalitions are surplus majorities and not necessarily connected on the left-right policy scale.

demonstrated that the north-south dimension is not universally applicable across policy fields, lending some support to the interest-driven interpretation of Council-internal coalition building.

On the proposal level, it has been demonstrated that the salience member states attach to a legislative proposal also affects their vote choice (Høyland and Hansen 2014; Warntjen 2012). From a member state's perspective, there are costs attached to voting 'no' in the Council (Novak 2013), and accordingly a member state is only willing to incur these costs if it deems the contestation to be worth it – that is, if the proposal is deemed sufficiently salient. Hence, it is generally argued that if member states choose to contest a proposal they do so to deliberately send a signal to domestic constituencies or the other member states (Hagemann and de Clerck-Sachsse 2007; Hayes-Renshaw *et al.* 2006).

In addition, member states are expected to consider the anticipated EP vote – if applicable – when making their voting decision (cf. Hagemann and Høyland 2010; Mühlböck 2013). Hence, the legislative procedure is expected to impact vote choice. Based on the comparative politics literature on bicameralism, shared partisanship is expected to ease inter-institutional cooperation in the legislative process (Binder 1999). With regard to inter-institutional coalition building and the role political parties play in linking the Council and the EP, Hagemann and Høyland (2010) show that in this bicameral context, disagreement in the Council to some extent also follows the left-right dimension. Mühlböck (2013: 580) finds that the EPG exerts more influence on the voting behaviour of an MEP than the voting behaviour of that member's minister in the Council – the partisan ties between the institutions thus seem stronger than the national ties.

Based on these findings, the analysis will control for whether a country was holding the Council presidency at the time of voting,

whether it joined the EU in 2004 or later and for its budgetary status as net donor or net recipient of the EU budget. On the proposal level, controls are included for the proposal's salience and for the EP's involvement in the co-decision/ordinary legislative procedure.

6.3 Dataset: Contested Voting in the Council from 1999 to 2014

6.3.1 Case Selection

To empirically test the hypotheses, Council voting on legislative proposals put forward by members of the Prodi and Barroso Commissions will be analysed. The focus is thus on the three full Commission terms after the resignation of the Santer Commissions. This event is often discussed as a watershed in the Commission's history (cf. Dimitrakopoulos 2004) and an event that emphasised to the member states that it is necessary to appoint good agents. Accordingly, it is expected that member states tightened their control over the Commissioners as a response to this event, making the post-Santer Commissions comparable to each other in this regard.

As the focus is on whether vote choices of governments in the Council depend on characteristics of the proposing Commissioner, only votes in which at least one member state voted 'no' or abstained from voting are included. Consequently, neither proposals that were passed unanimously nor those that failed are considered.⁴⁵

Given the interest in whether partisanship and nationality structure the inter-institutional conflict, contested votes are the ones that provide the required information, while unanimous decision would only add considerable 'noise' to the data. The exclusion of unanimous votes leads to an overestimation of dissent in the Council

⁴⁵ The Council only calls for votes when an agreement is certain (cf. Hayes-Renshaw et al. 2006), accordingly voting records for unsuccessful legislative proposals are not available.

while not considering failed proposals might underestimate conflict. Overall, this dataset thus constitutes a ‘most likely’ scenario for the expected ties to be visible.

6.3.2 Coding of the Variables

The dataset is structured as follows. The unit of analysis is a member state’s vote on a given legislative proposal. With up to 28 member states voting on 687 legislative proposals, this makes for 15,994 cases. The dependent variable is a member state’s vote choice; member states can choose to vote in favour or against a proposal, or they can abstain from voting. For this analysis, the three categories are collapsed into the dichotomous variable ‘contestation’. This variable captures whether a member state contested the proposal by voting against it or abstaining (1) or not (0).⁴⁶ Vote choice is nested within both member states and proposals. Figure 6.1 displays the frequency with which proposals included in the analysis were contested by a given number of member states. Of the 687 proposals, 300 proposals were contested by exactly one member state, 143 proposals were contested by two and 112 proposals were contested by three member states. In contrast, there were only three proposals that were contested by 13 member states.

⁴⁶ For this analysis, abstaining from voting and no votes are treated equally and both are assumed to signal a member state’s discontent with the proposal at hand, to the extent that they are willing to cast a contesting vote. However, the effect of abstaining from voting depends on the voting rule. If unanimity is required, only a ‘no’ vote blocks a proposal, with abstentions counting as ‘yes’. In contrast, under QMV a certain threshold of ‘yes’ votes needs to be obtained, making abstentions more akin to ‘no’ votes.

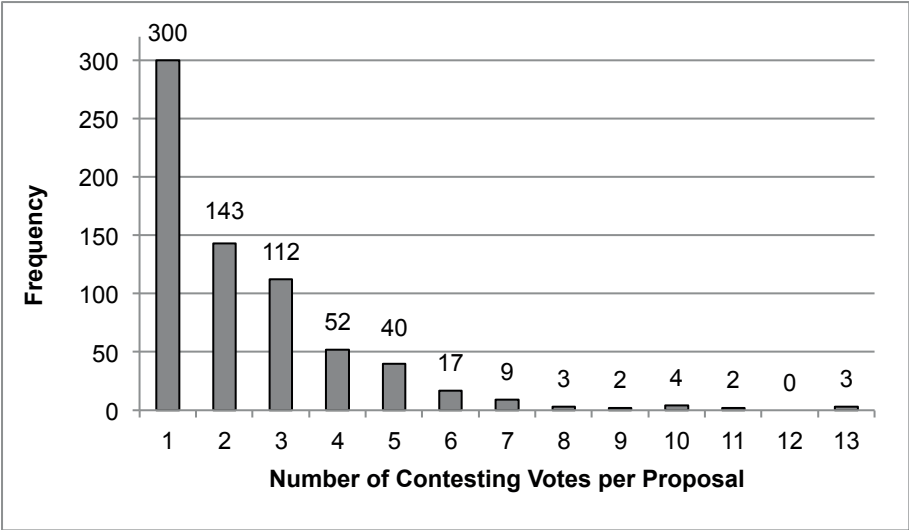


Figure 6.1 – Frequency with which Proposals were Contested by a Given Number of Member States

Based on information on the responsible Commissioner and government composition, the key independent variables were coded. ‘Country match’ is a dichotomous variable capturing whether the responsible Commissioner comes from the voting country (1) or not (0). The responsible national minister was identified by matching Commission DGs to the portfolios of national ministries allowing for coding the ‘party match minister’ variable, coded 1 if both Commissioner and minister are members of the same EPG and 0 otherwise. Likewise, ‘party match government’ captures whether the responsible Commissioner and at least one of the parties in government are members of the same EPG (1) or not (0). As the effects of national and partisan ties are expected to be stronger for certain policy fields, the variables ‘redistribution’ and ‘left-right’

control for the major conflict dimension along which the proposal is expected to be discussed.⁴⁷

The full analysis includes some control variables, based on the previous Council-voting research summarised previously. At the country level, ‘presidency’ captures whether the voting member state held the Council presidency at the time of voting, ‘new member state’ captures whether the voting member state joined the EU in 2004 or later and ‘recipient’ controls for whether the voting member state was a net recipient of the EU budget. At the proposal level, the dichotomous variable ‘co-decision’ is included to control for whether the vote was taken under the co-decision/ordinary legislative procedure. In addition, in a subset covering co-decision proposals between 1999 and 2009, the influence of salience on vote choice will be controlled for.

6.4 Analysis

The dependent variable ‘contestation’ is a binary variable, taking only the values 0 (voting in favour of the proposal) or 1 (voting against the proposal or abstaining from voting). For binary outcomes, logistic regression is mostly used to model the probability that the dependent variable y equals 1 (Gelman and Hill 2009: 79):

$$\Pr(y_i = 1) = \text{logit}^{-1}(X_i\beta).$$

The probability of contestation is expected to depend on the relationship between proposer and voter (country match, party match), on characteristics of the member state (Council presidency, new member state, budgetary status) and of the proposal (procedure, salience, conflict dimension). It is therefore necessary to

⁴⁷ Bressanelli *et al.* (2014) classify the proposals included in their dataset according to policy type. Based on this, the major conflict dimension for the Commission DGs was classified; see this chapter’s appendix for the coding and sources of all variables.

account for these different levels in the statistical model. Multilevel models allow for taking the variability of each level into consideration. However, proposals are neither fully nested within member states nor vice versa. Consequently, instead of using a hierarchical multilevel model (the classical example being pupils nested in classes nested in schools), cross-classified logistic regression models are estimated (Fienberg 2007). To start with, the entire dataset will be analysed before focusing on the effect of the main conflict dimensions and finally controlling for salience.

6.4.1 Cross-Tabulation

Before interpreting the regression results, however, contestation is cross-tabulated with the key independent variables. As the 'party match' and 'country match' variables are also dichotomous, this simple method is well suited to get an impression of the effects to be expected (see table 6.1). Of the 15,994 votes cast, 1,638 (that is, 10%) are either abstentions or no votes. Even when only considering those proposals on which at least one member state cast a contesting vote, the consensus among member states in the Council is overwhelming.

Proposals of a member state's 'own' Commissioner are contested relatively less often than proposals made by Commissioners from other member states. If the proposing Commissioner comes from the voting member state, the frequency of contestation drops from 10% to 8%. This is in line with the expectation that shared nationality decreases contestation as formulated in hypothesis 2, however the effect size is small.

| (a) | Country Match | | | | | | | |
|--------------|------------------------|--------|------------------------|--------|------------------------|-------|------------------------|--------|
| | No | | | | Yes | | | |
| | Party Match Minister | | Party Match Minister | | Party Match Minister | | Party Match Minister | |
| | No | Yes | Total | No | Yes | Total | Total | Total |
| Contestation | No | 11,212 | 2,512 | 13,724 | 375 | 257 | 632 | 14,356 |
| | | 90% | 89% | 90% | 95% | 88% | 92% | 90% |
| | Yes | 1,278 | 304 | 1,582 | 21 | 35 | 56 | 1,638 |
| | | 10% | 11% | 10% | 5% | 12% | 8% | 10% |
| Total | 12,490 | 2,816 | 15,306 | 396 | 292 | 688 | 15,994 | 100% |
| | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| (b) | Country Match | | | | | | | |
| | No | | | | Yes | | | |
| | Party Match Government | | Party Match Government | | Party Match Government | | Party Match Government | |
| | No | Yes | Total | No | Yes | Total | Total | Total |
| Contestation | No | 6,591 | 7,133 | 13,724 | 131 | 501 | 632 | 14,356 |
| | | 89% | 91% | 90% | 91% | 92% | 92% | 90% |
| | Yes | 839 | 743 | 1,582 | 13 | 43 | 56 | 1,638 |
| | | 11% | 9% | 10% | 9% | 8% | 8% | 10% |
| Total | 7,430 | 7,876 | 15,306 | 144 | 544 | 688 | 15,994 | 100% |
| | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |

Table 6.1 – Contestation by Country Match and Party Match (N=15,994)

In the next step, the partisan variables are added. First, the effect of the variable using the narrower conceptualisation – of whether the proposing Commissioner is part of the same EPG as the responsible national minister – is considered in table 6.1a. This partisan match slightly affects the contestation rate in that 10% of the votes cast if EPGs do not match are contesting, whereas it is 11% when EPGs match. This is contrary to expectations and the effect is even larger when taking the country match variable into consideration. If Commissioner and minister come from the same country and are members of the same EPG (which in most cases means they are members of the same national party), 12% of the votes cast are contesting, whereas it is only 5% if they share national but no partisan ties.

Second, table 6.1b shows the results when conceptualising partisan ties as whether the proposing Commissioner is part of the same EPG as any of the governing parties. In this case a party match decreases the relative frequency of contestation from 11% to 9%. This difference becomes even narrower if the proposing Commissioner comes from the voting member state (9% compared to 8%). Overall, there seems to be no clear influence of partisan ties on voting.

6.4.2 Cross-Classified Logistic Regression

Turning to the results of the cross-classified logistic regression models (see tables 6.2 and 6.3), the country match variable has a significant negative coefficient also when taking the control variables into account. In line with hypothesis 2, member states are thus less likely to vote against proposals tabled by ‘their’ Commissioner than against those tabled by any other Commissioner. To interpret the results, the model coefficients, γ_0 , can be transformed into probabilities using logistic transform, π_0 (Snijders and Bosker 1999: 213):

$$\pi_0 = \text{logistic}(\gamma_0) = \frac{\exp(\gamma_0)}{1 + \exp(\gamma_0)}.$$

Based on model 2,⁴⁸ the probability p of contestation is 0.14 if the proposing Commissioner does not come from the voting member state and this decreases to 0.09 if she does.⁴⁹ Accordingly, the odds of contestation decrease by 38% [-46.63%, -27.96%]⁵⁰ when changing the country match variable from 0 to 1 while holding the remaining variables at their mean values.⁵¹ This lends further support to hypothesis 2, expecting fewer contesting votes from the Commissioner's home country.

Likewise, if the Commissioner and at least one of the parties in government are part of the same EPG, a member state's likelihood to contest proposals of that Commissioner is significantly lower. In this case, the probability of contestation decreases from 0.146 to 0.128, equivalent to a 14.1% [-18.94%, -8.97%] decrease in the odds of contestation (based on model 5). This lends support to hypothesis 3b. Lastly, the effect of the narrower conceptualisation of partisan ties on vote choice is contrary to the expectation, as the odds of contestation increase by 3.36% [-3.63%, 10.85%] when the responsible minister and the proposing Commissioner come from the same EPG. However, this effect is not significant and does not

⁴⁸ All models estimated using Zelig's 'logit.mixed' model (Bailey and Alimadhi 2007).

⁴⁹ $p(\text{contestation} = 1 \mid \text{country match} = 0) = \text{logistic}(\text{constant}) = \text{logistic}(-1.837) = 0.14$,

$p(\text{contestation} = 1 \mid \text{country match} = 1) = \text{logistic}(\text{constant} + \text{country match}) = \text{logistic}(-2.315) = 0.09$

⁵⁰ 95% confidence intervals in brackets.

⁵¹ While probabilities are bound between 0 and 1, the advantage of odds ratios is that they can be scaled up indefinitely. Odds are defined as $\text{odds} = \frac{p}{1-p}$, and thus a probability of 0.5 corresponds to the odds of 1.

support hypothesis 3a that the likelihood of contestation is lower when the proposing Commissioner and the responsible national minister are a member of the same EPG. Overall, country match has a stronger negative effect on contestation than party match.

With regard to the control variables, a member state holding the Council presidency at the time of voting is indeed significantly less likely to cast a contesting vote, which is in line with previous findings. Interestingly, when controlling for budgetary status the new member state variable is not significant. Instead, member states that are net recipients of the EU budget are generally less likely to cast a contesting vote. This lends further support to the 'objective interests' as opposed to the 'geographical similarity' understanding of voting in the Council discussed above. Furthermore, member states are generally less likely to cast a contesting vote when the legislative proposal is subject to the co-decision procedure.

Furthermore, to test whether national ties were more important for redistributive policies (hypothesis 4a) and partisan ties were more important for left-right policies (hypothesis 4b), additional models were estimated (models 9–11, table 6.4). In model 9, country match was interacted with redistribution. Generally, member states are less likely to vote against a proposal that is subject to redistributive conflict – they thus seem reluctant to have their dissent on money matters registered. In contrast, member states are more likely to vote against a proposal that is subject to left-right conflict. Contrary to the expectations formulated in hypotheses 4a and 4b, however, neither are national ties stronger for redistributive proposals nor are partisan ties stronger for left-right proposals. These hypotheses are thus not supported.

| | Country Match | | Party Match Government | |
|---------------------------|----------------------|----------------------|------------------------|----------------------|
| | (1) | (2) | (3) | (4) |
| | | + control variables | | + control variables |
| Vote Level | | | | |
| Country Match | -0.440 (0.148) ** | -0.478 (0.150) ** | | -0.414 (0.151) ** |
| Party Match Government | | | -0.196 (0.057) *** | -0.152 (0.058) ** |
| Party Match Minister | | | | |
| Member State Level | | | | |
| Presidency | | -0.526 (0.153) *** | | -0.524 (0.153) *** |
| New Member State | | -0.398 (0.245) | | -0.409 (0.244) |
| Contributor | | -0.402 (0.151) ** | | -0.387 (0.150) * |
| Proposal Level | | | | |
| Co-Decision | | -0.402 (0.066) *** | | -0.394 (0.066) *** |
| Constant (Fixed Effects) | -2.454 (0.129) *** | -1.837 (0.155) *** | -2.398 (0.131) *** | -2.398 (0.132) *** |
| Variance (Proposals) | 0.252 (0.502) | 0.211 (0.460) | 0.247 (0.497) | 0.209 (0.457) |
| Variance (Member States) | 0.422 (0.649) | 0.296 (0.544) | 0.418 (0.647) | 0.292 (0.541) |
| AIC | 9960 | 9833 | 9957 | 9828 |
| Log Likelihood | -4976 | -4908 | -4974 | -4905 |
| Votes | 15994 | 15879 | 15994 | 15879 |
| Proposals | 687 | 685 | 687 | 685 |
| Member States | 28 | 28 | 28 | 28 |

Table 6.2 – Cross-Classified Logistic Regression (Models 1–5)

| | Party Match Minister | |
|---------------------------|----------------------|----------------------|
| | (6) | (8) |
| | + Country Match | + control variables |
| Vote Level | | |
| Country Match | | |
| Party Match Government | -0.453 (0.150) ** | -0.488 (0.152) ** |
| Party Match Minister | 0.006 (0.069) | 0.033 (0.070) |
| Member State Level | | |
| Presidency | | -0.528 (0.153) *** |
| New Member State | | -0.396 (0.245) |
| Contributor | | -0.403 (0.151) ** |
| Proposal Level | | |
| Co-Decision | | -0.402 (0.066) *** |
| Constant (Fixed Effects) | -2.499 (0.129) *** | -2.491 (0.130) *** |
| Variance (Proposals) | 0.249 (0.499) | 0.251 (0.501) |
| Variance (Member States) | 0.416 (0.645) | 0.421 (0.649) |
| AIC | 9969 | 9961 |
| Log Likelihood | -4980 | -4975 |
| Votes | 15994 | 15994 |
| Proposals | 687 | 687 |
| Member States | 28 | 28 |

Table 6.3 – Cross-Classified Logistic Regression (Models 6–8)

| Contested Proposals, 1999-2014 | | | |
|---------------------------------------|-----------------------------|-----------------------------|------------------------------|
| | Country Match (9) | Party Match Gov (10) | Party Match Minister (11) |
| Vote Level | | | |
| Country Match | -0.540 (0.237) * | -0.171 (0.069) * | -0.099 (0.089) |
| Party Match Government | | | |
| Party Match Minister | | | |
| Member State Level | | | |
| Presidency | -0.481 (0.147) ** | -0.491 (0.147) *** | -0.499 (0.148) *** |
| New Member State | -0.458 (0.237) | -0.475 (0.237) * | -0.460 (0.237) |
| Recipient | -0.353 (0.164) * | -0.325 (0.164) * | -0.339 (0.163) * |
| Proposal Level | | | |
| Recitals | | | |
| Codecision | -0.416 (0.069) *** | -0.377 (0.068) *** | 0.384 (0.068) *** |
| Redistribution | -0.199 (0.069) ** | | |
| Left-Right | | 0.357 (0.094) *** | 0.280 (0.079) *** |
| Country Match * Redistribution | -0.032 (0.314) | | |
| Party Match Gov * Left-Right | | -0.076 (0.120) | |
| Party Match Min * Left-Right | | | 0.166 (0.145) |
| Constant (Fixed Effects) | -1.709 (0.153) *** | -1.872 (0.152) *** | -1.935 (0.150) *** |
| Variance (Proposals) | 0.227 (0.476) | 0.214 (0.463) | 0.214 (0.463) |
| Variance (Member States) | 0.256 (0.506) | 0.255 (0.505) | 0.256 (0.506) |
| AIC | 9803 | 9796 | 9806 |
| Log Likelihood | -4891 | -4888 | -4893 |
| Votes | 15675 | 15675 | 15675 |
| Proposals | 625 | 625 | 625 |
| Member States | 28 | 28 | 28 |

Table 6.4 – Cross-Classified Logistic Regression (Models 9–11)

Additionally, the effect a proposal's salience has on the likelihood of contestation has been controlled for (models 12–14, table 6.5). Bresanelli *et al.* (2014; see also Reh *et al.* 2013) have coded the number of recitals for co-decision proposals between 1999 and 2009. Recitals precede the regulative content of legislation and provide reasons for its introduction. The number of recitals has been used to measure the salience, scope and complexity of a piece of legislation (Warntjen 2012). In this subset, salience has a significant positive effect on contestation. Member states are more likely to contest proposals with more recitals – conflict is thus more likely to arise over legislation that ‘matters’. Furthermore, all of the key independent variables have the expected negative effect on contestation, however, fail to reach statistical significance. The effect of the control variables does not change.

Finally, the models were estimated for the pre-enlargement (up to May 2004) and post-enlargement periods separately. Overall, the effects of the main independent variables are stable in the two time periods (both in terms of direction and significance). However, the co-decision variable only has a negative effect on the likelihood of contestation in the post-enlargement period. This corresponds to the post-Nice period when the scope of the co-decision period has been considerably extended. In the pre-enlargement period only 6% of the votes were on co-decision proposals, while 67% were in the post-enlargement period.

| Co-Decision Proposals, 1999-2009 | | | |
|----------------------------------|-----------------------|-------------------------|------------------------------|
| | Country Match (12) | Party Match Gov (13) | Party Match Minister (14) |
| Vote Level | | | |
| Country Match | -0.814 (0.476) | -0.772 (0.483) | -0.778 (0.489) |
| Party Match Government | | -0.182 (0.152) | |
| Party Match Minister | | | -0.141 (0.213) |
| Member State Level | | | |
| Presidency | -1.609 (0.732) * | -1.663 (0.749) * | -1.612 (0.732) * |
| New Member State | -0.835 (0.310) ** | -0.845 (0.308) ** | -0.833 (0.310) ** |
| Recipient | -0.543 (0.262) * | -0.560 (0.261) * | -0.551 (0.263) * |
| Proposal Level | | | |
| Rectals | 0.031 (0.010) ** | 0.030 (0.010) ** | 0.031 (0.010) ** |
| Codecision | | | |
| Redistribution | | | |
| Left-Right | | | |
| Country Match * Redistribution | | | |
| Party Match Gov * Left-Right | | | |
| Party Match Min * Left-Right | | | |
| Constant (Fixed Effects) | -5.720 (0.393) *** | -5.552 (0.400) *** | -5.694 (0.394) *** |
| Variance (Proposals) | 4.198 (2.049) | 4.049 (2.012) | 4.175 (2.043) |
| Variance (Member States) | 0.189 (0.434) | 0.183 (0.428) | 0.191 (0.437) |
| AIC | 2073 | 2074 | 2075 |
| Log Likelihood | -1029 | -1028 | -1028 |
| Votes | | | |
| Proposals | 13052 | 13052 | 13052 |
| Member States | 462 | 462 | 462 |
| | 27 | 27 | 27 |

Table 6.5 – Cross-Classified Logistic Regression (Models 12–14)

6.5 Discussion and Conclusion

This chapter analysed the vote choice of member states in the Council on 687 contested legislative proposals voted upon between 1999 and 2014. The central question was to what extent shared national and partisan ties with the responsible Commissioner affected member states' vote choice. Even when focusing only on votes in which at least one member of the Council abstained from voting or voted against the proposal, consensus is overwhelming, and the effect sizes of variables further reducing the likelihood of contestation are small. Still, a member state is significantly less likely to vote against a proposal by a Commissioner coming from that member state. Likewise, if the Commissioner and at least one of the governing parties are members of the same EPG, the likelihood of contestation is further reduced. Interestingly, this is not the case if the Commissioner and the responsible national minister are members of the same EPG. These effects are stable across policy fields. This is contrary to the expectation that the effect of country match on vote choice would be stronger for redistributive proposals and the effect of party match would be stronger for left-right proposals. Shared national and partisan ties thus ease inter-institutional decision-making between the Commission and the Council, with nationality taking precedence over partisanship.

European Commissioners seem to use the discretion the EU's legislative system grants them to promote the preferences of their home country and also – to a lesser extent – their party family. By taking these into consideration when drafting legislative proposals, they lower the likelihood of contestation. However, the legislative process might limit the visibility of partisan ties by 'watering down' the proposal's regulative content. That is, when a proposal reaches the voting stage and with a view to accommodate a sufficient number of member states, it is possibly so moderate that the

partisan identity of the proposing Commissioner is no longer identifiable. Accordingly, member states do not necessarily vote along party lines. In contrast, national ties are more visible and thus might be taken to be more important when making a vote choice. Additionally, national ties are potentially relevant in all policy areas, while the importance of partisanship is more likely to vary across policy fields. In addition, the fact that being a member of the same EPG as the responsible minister seems irrelevant for the likelihood of contestation is puzzling and deserves further attention.

For future analyses of these relations, it thus seems valuable to trace the development of legislative proposals and the influence different actors have on their positioning, as well as conducting interviews with involved actors (as Burns (2004) did with including interviews in her case study and Klüver (2011) did when tracing lobbying success). Also the Decision-Making in the European Union (DEU) datasets (Thomson *et al.* 2006; Thomson *et al.* 2012) provide valuable information on actors' substantive preferences over legislative proposals. These allow comparing actors' initial preferences to policy outcomes for a set of controversial issues raised in legislative proposals. While these issue-specific preferences provide a more detailed picture than the measures applied here, there is no information about Commission-internal variances of preferences. It is thus not possible to study the effect of the preferences of individual Commissioners using this data. Wonka (2008a) suggested overcoming the Commission's official secrecy regarding internal conflict by interviewing representatives of various interest groups.

Overall, the analysis supports the notion that the allocation of Commissioner portfolios has implications on the policy-making process. Member states are thus expected to not only care about which portfolio their 'own' Commissioner gets but also for the

partisan affiliation of the Commissioners in charge of other portfolios important to them. Hence, individual Commissioners matter and taking their preferences into consideration adds to our understanding of the legislative process. Commissioners should therefore be seen as political – rather than technocratic – actors. Consequently, their preferences should be considered when studying EU decision-making, and assumptions about the location of ‘the Commission’s’ ideal point need to be well defended.

Partisan control mechanisms are expected to become more prominent as the number of Commissioners eventually drops below the number of member states, as mandated by the Treaty of Nice. It also remains to be seen whether partisan links will be more visible in the future as a result of the acknowledgement of the partisan dimension of Commissioner nomination through the nomination of *Spitzenkandidaten* during the 2014 EP election. This would further increase the comparability of the EU to national polities, including government–opposition dynamics and formal coalition formation. As political parties are pivotal in holding national ministers accountable (Müller 2000), acknowledging that European Commissioners are not as independent as they are supposed to be might then serve to enhance accountability, thereby counteracting the EU’s ‘democratic deficit’.

Appendix 6A – Dataset Description Council Voting

Council Voting Data

39,603 individual country votes on 1,495 legislative proposals

- Contested votes: 1998–2014
- Unanimous votes: 2006–2014

1998–2004: Hayes-Renshaw, van Aken and Wallace (contested votes only), available for download from <http://www.councildata.cergu.gu.se/cdeuj32/index.php/research-data/hayes-renshaw>

2004–2006: Hosli, Mattila and Uriot, available for download from <http://www.councildata.cergu.gu.se/cdeuj32/index.php/research-data/m-mattila>

2006–2011: API: Data from the Council; data available in JSON format on <http://api.epdb.eu/#data>

2009–2014: VoteWatch, contextual data on individual votes available for download from www.votewatch.eu, vote choices needed to be added manually

The dataset were brought into the same structure and then combined using the Inter-institutional File Number, the voting month and the Council Item Information as id variables.

Dependent Variable

Contestation
proposal

0 = the member state approved of the

1 = the member state voted against the
proposal or abstained from voting

Independent Variables

Proposal level

- Responsible Commissioner (EUR-Lex)
 - Nationality of that Commissioner (for 1998–2010: Hartlapp et al. (2014), extended to 2014 by myself)
 - National party affiliation of that Commissioner (for 1998–2010, Hartlapp et al. (2014), extended to 2014 by myself)
 - Membership of that party in a EPG at a specific time (own investigation)
- Responsible DG (EUR-Lex)
- Legislative Procedure (EUR-Lex)
- Decision Mode in the Commission (EUR-Lex):
Written/Oral/Empowerment/Consultation
- Council Item (EUR-Lex): A/B/Written
- Number of recitals as a measure of salience/complexity for co-decision proposals between 1999 and 2009 (Bressanelli *et al.*, 2014)
- Policy type (redistributive/left-right): For each Commission DG the major policy type was based on Lowi's (1972) fourfold typology distinguishing redistributive, distributive, regulative and constituent policies:

| Redistributive | Distributive | Regulative (Left-Right) | Constituent |
|--|---|---|------------------------------------|
| AGRI BUDG CLIMA ENER ENTR ENV MARE MOVE REGIO SANCO TREN | COMM EEAS ELARG ESTAT HOME INFSO MARKT RELEX | COMP DEV DEVCO EAC ECFIN EMPL JUST RTD TAXUD TRADE | ECHO HR OLAF SecGen SJ |

Table 6.6 – Commission DGs by Policy Type

Member state level

- Cabinet composition of member state government ('Cabinets' data from ParlGov), re-coded on a monthly level
 - Membership of the cabinet parties in an EPG at a specific time (own investigation)
 - Responsible minister: For the DGs of the Delors, Santer, Prodi, Barroso Commissions the national ministries responsible for the policy area of that DG on a monthly basis are identified (own coding using a list of DGs and the *Political Data Yearbook* (1997–2013)).
 - Party membership of that minister; EPG membership of that party
- Budgetary status (1997–2013, EU Financial Reports)
 - Operating budgetary balance
 - Donor/Recipient
- Presidency: Whether the member state held the Council Presidency at the time of voting (1) or not (0) (hard-coded)

| | | | | | | |
|------|---------|-----|------|---------|----|-----|
| 1999 | Jan–Jun | DEU | 2007 | Jan–Jun | | DEU |
| | Jul–Dec | FIN | | Jul–Dec | T1 | PRT |
| 2000 | Jan–Jun | PRT | 2008 | Jan–Jun | | SVN |
| | Jul–Dec | FRA | | Jul–Dec | | FRA |
| 2001 | Jan–Jun | SWE | 2009 | Jan–Jun | T2 | CZE |
| | Jul–Dec | BEL | | Jul–Dec | | SWE |
| 2002 | Jan–Jun | ESP | 2010 | Jan–Jun | | ESP |
| | Jul–Dec | DNK | | Jul–Dec | T3 | BEL |
| 2003 | Jan–Jun | GRC | 2011 | Jan–Jun | | HUN |
| | Jul–Dec | ITA | | Jul–Dec | | POL |
| 2004 | Jan–Jun | IRL | 2012 | Jan–Jun | T4 | DNK |
| | Jul–Dec | NLD | | Jul–Dec | | CYP |
| 2005 | Jan–Jun | LUX | 2013 | Jan–Jun | | IRL |
| | Jul–Dec | GBR | | Jul–Dec | T5 | LTU |
| 2006 | Jan–Jun | AUT | 2014 | Jan–Jun | | GRC |
| | Jul–Dec | FIN | | Jul–Dec | T6 | ITA |

Table 6.7 – Council Presidencies 1999–2014

- **New Member State:** Whether the member state became a member of the European Union in 2004 or later (1) or not (0) (hard-coded)

| Founding | 1973 | 1981 | 1986 | 1995 | 2004 | 2007 | 2013 |
|--|-------------------|------|------------|-------------------|--|------------|------|
| BEL FRA DEU ITA LUX NLD | DNK IRL GBR | GRC | PRT ESP | AUT FIN SWE | CYP CZE EST HUN LVA LTU MLT POL SVK SVN | BGR ROU | HRV |

Table 6.8 – Timeline of EU Enlargements

Vote level

- **Country Match:** Whether the nationality of the responsible Commissioner matches that of the voting government (1) or not (0)
- **Party Match Government:** Whether the national party of the responsible Commissioner and at least one of the cabinet parties are members of the same EPG (1) or not (0)
- **Party Match Minister:** Whether the national party of the responsible Commissioner and the party of the responsible minister are members of the same EPG (1) or not (0).

Overview of Sources

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7 THE INFLUENCE OF THE RESPONSIBLE COMMISSIONER ON EP VOTING⁵²

Following up on the analysis presented in the previous chapter, this chapter focuses on the vote choices of MEPs and in how far these depend on characteristics of the proposing Commissioner. The EP's involvement in the EU's legislative process has increased over time. By now, it has established itself as the Council's co-legislator in the ordinary legislative procedure. As has been demonstrated in chapter 3, the addition of the EP as veto player to the legislative process has potentially further reduced the discretionary powers of the responsible Commissioner in the legislative process by increasing policy stability.

The relationship between the Commission and the EP is expected to be different from the one between the Commission and the Council. While the EP is involved in the Commission-appointment process, as discussed in chapter 2, it cannot nominate individuals to the position. However, it is the EP and not the Council that has the power to dismiss the Commission from office through a vote of no confidence. And just as the Commission is the primary affiliation of Commissioners, so is the EP for MEPs. This chapter will thus analyse the interaction of actors from truly European institutions that are accountable to each other. Mirroring the analyses in chapter 6, it will be tested whether MEPs are less likely to vote against legislative proposals coming from the Commissioner of their home country

⁵² Thanks to the participants of the Panel on 'Bicameralism in the EU' at the EPSA conference 2015 as well as those of the NIAS workshop 'European Union Decision-Making and Challenges to Economic and Financial Governance 2015' in December 2015 for their valuable comments and suggestions.

(hypothesis 5) and/or from Commissioners who are members of the same EPG as they are (hypothesis 6). The impact of national and partisan ties on MEPs' vote choices will be tested using data from the sixth and seventh parliamentary terms.

7.1 Organisation of the EP

Today's EP started out as the 'Common Assembly of the European Coal and Steel Community' that first met on 10 September 1952. When the European Economic Community (EEC) and Euratom were established in 1958, all three communities shared the Common Assembly, which changed its name to 'European Parliamentary Assembly'. It again changed its name in 1962 and became the 'European Parliament'. The EP started out as a consultative body, but has extended and consolidated its powers ever since.

In the EP's beginnings, national parliaments nominated MEPs from among their members so that all MEPs held dual mandates, an arrangement that is now forbidden (Council Decision 2002/772/EC). Starting in 1979 direct elections to the EP are held every five years.⁵³ For the EP elections, each member state may decide on the electoral system to be used – as long as it is a system of proportional representation. In addition, not all member states vote on the same day (for example, the 2014 EP election took place between May 22 and May 25). With regard to EP elections, scholars generally agree that they represent 'second order' elections (a concept originally postulated by Reif and Schmitt 1980). It was found that voters do not necessarily base their voting decision on a party's stance towards the EU but also use their vote to signal their discontent with political parties on the national level (Hix and Marsh

⁵³ Starting with the direct elections, EP terms also became numbered, with the first term (EP 1) lasting from 1979 to 1984, the second term (EP 2) from 1984 to 1989 and so forth.

2011; Hobolt and Wittrock 2011; Schmitt 2005). Given that EP elections do not result in the formation of a government, they are generally regarded as being less salient than national elections. This results in a diverse EP, with 751 MEPs from 191 national political parties in the eighth EP (2014–2019; European Parliament Research Service Blog, 2014) For example, the 96 German MEPs come from 14 parties, whereas after the 2013 federal election only five parties are represented in the German Bundestag.

The nomination of ‘Spitzenkandidaten’ for the 2014 EP election (as discussed in section 2.2.2), was championed as a way to strengthen the electoral connection. This was coupled with the hopes of making European issues central for citizens’ vote choices and also increasing turnout (starting with 62% in 1979, turnout steadily decreased to 43% in 2009, as shown in figure 7.1⁵⁴). Whereas Schmitt *et al.* (2015) found that candidate recognition indeed increased an individual’s propensity to turn out, the public awareness of the ‘Spitzenkandidaten’ was high only in a few countries (Hobolt 2014). Consequently, this innovation could not increase turnout, which was 42.6% in 2014.

⁵⁴ Part of the decline in turnout stems from the fact that voters in the member states entering the EU in 2004 and later generally have a lower propensity to turn out to vote than those in the older member states. As Wessels and Franklin (2009) have demonstrated, between 1999 and 2004, turnout dropped by only 0.2 percentage points in the old member states, and the overall decline was mainly driven by the new member states in Central and East Europe.

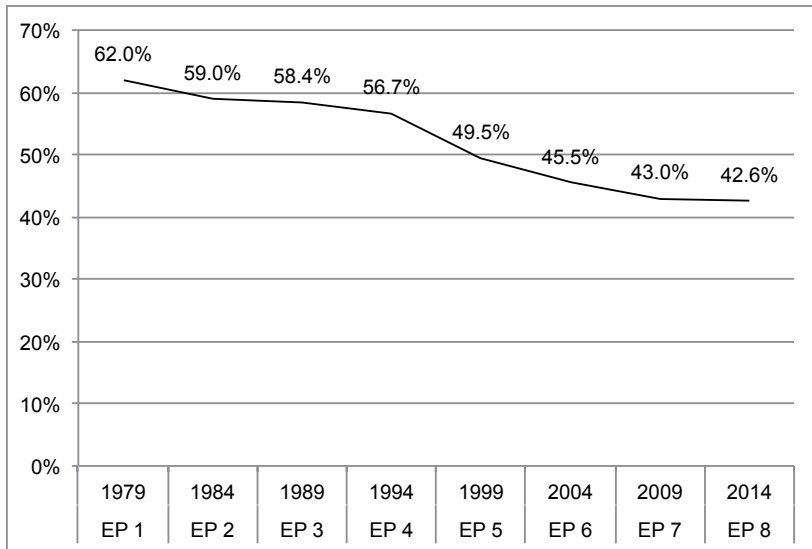


Figure 7.1 – EU-Wide Turnout in Elections to the European Parliament {1979–2014}

Source: European Parliament, 2014

Since 1958, MEPs in plenary do not sit with their fellow nationals or in alphabetical order but rather with their political groups. Accordingly, each MEP may only be a member of one political group. Usually all MEPs from the same national party are also a member of the same political group and there are cases in which multiple parties from one member state are part of the same political group (e.g. the Dutch parties *Volkspartij voor Vrijheid en Democratie* and *D66* are both part of the liberal *Alliance of Liberals and Democrats for Europe* (ALDE) group). In EP 8 (2014–2019), a minimum of 25 MEPs from at least one-quarter of the member states are required to form a political group. McElroy and Benoit demonstrate that EP party groups combine national parties with similar positions on the left-right scale (2007, p. 19) and that party groups occupy distinct positions (2012: 156). Hix (2002) has argued

for understanding the national parties and the political groups as two principals with powers over the MEPs. On the one hand, national parties have the most influence on the re-election prospects of their MEPs by deciding on re-nomination or list placement. On the other hand, party groups control access to most of the perks within the EP, such as committee chairmanships and rapporteurships.

7.2 Voting in the EP

The plenary of the EP convenes in two places: twelve sessions a year are held in Strasbourg and the other sessions are held in Brussels. The Secretariat of the EP is located in Luxembourg. Plenary sessions are focused on debates and votes as only such acts adopted in this forum are formally acts of the EP. Usually, voting occurs midday and voting proceeds rapidly as there are possibly many items on the agenda. The EP votes on legislative proposals, the EU's budget, international agreements and issues such as appointments to the Commission, Court of Auditors or European Central Bank.

7.2.1 Types of Votes in the EP

In the EP, three different types of voting are used. First, under 'simple' voting MEPs cast their vote by show of hands or by using the electronic voting system; their choice is visible in plenary but no information on individual vote choice is recorded. Second, when a 'secret ballot' is used, MEPs cast their vote using ballot papers or the electronic voting system. In neither case, information on an MEP's vote choice is available. Third, under 'roll-call' voting MEPs need to use the electronic voting system and the vote choice of each MEP is registered by name and this choice is published in the minutes. The EP's Rules of Procedure define which voting type needs to be used when.

The standard procedure is simple voting by show of hands. Votes on appointments – such as the election of the Commission President – are held by secret ballot. If other votes should be taken by secret ballot, this needs to be requested beforehand by a high threshold of at least 20% of the MEPs or at least one political group. The rules on requesting roll-call votes (RCVs) have changed over time. In EP 5, RCVs could be requested the day prior to the vote by any party group or at least 32 MEPs (Rule 134(1), EP Rules of Procedure, 14th edition). Accommodating the growing number of MEPs after the 2004 enlargement, as of July 2004, 37 MEPs were required to request a roll-call vote (Rule 160(1), EP Rules of Procedure, 16th edition). In EP 6, RCVs could be requested by EPGs or at least 40 MEPs (Rule 157, EP Rules of Procedure, 16th edition). Starting with EP 7, all final passage votes on legislative proposals in the EP are RCVs (Rule 166, EP Rules of Procedure, 7th parliamentary term). In addition, during all of these parliamentary terms, votes on electing the members of the Commission⁵⁵ and censuring the Commission always needed to be taken by roll-call.

As this chapter aims at relating characteristics of individual MEPs with those of the responsible Commissioner to test whether shared nationality and partisanship affect vote choice, data on roll-call voting need to be used. It is estimated that when all RCVs needed to be requested, only between one-fifth and one-third of the votes in the EP plenary were RCVs (Carrubba *et al.* 2006; Finke 2015; Thierse 2016). Because during part of the analysed time period roll-call voting needed to be requested actively, one needs to be aware that they represent a non-random sample of all plenary votes when interpreting the findings. Especially Carrubba *et al.* (2006) pointed out that requesting roll-call voting is a strategic decision and that the

⁵⁵ This is an exception as votes on other appointments are taken by secret ballot, as previously discussed.

decision-making process needs to be better understood to draw valid inferences. Also Hug (2010) warns against selection effects to avoid biased inferences on voting behaviour. Analysing reasons for requesting roll-call voting, Finke (2015) finds that in EP 6 most RCVs were requested for policy-seeking reasons. Thiem (2006) finds that RCVs tend to be requested when group cohesion in the requesting group can be ensured. In addition, Thierse (2016: 19) finds that RCVs are mostly requested for single-authored amendments and that smaller EPGs, often finding themselves in minority positions at the committee stage, most frequently requested RCVs.

The step of making roll-call voting mandatory for final votes is hailed by observers as significantly improving accountability (Hug 2016). Using the new rule on mandatory RCVs on final acts as intervention, Yordanova and Mühlböck (2015) showed that the cohesion of political groups is higher on all votes than was previously estimated based on requested RCVs. They argue that this shows that going on record was mostly requested on contentious issues. Hug (2016: 213) found that party pressure is lower for unrequested RCVs, arguing that this is additional evidence that requested RCVs could not be used to infer the general voting behaviour of MEPs.

7.2.2 Research on Roll-Call Votes

This section reviews the literature on RCV analysis, discussing other factors apart from links to the proposing Commissioners that were found to impact an MEP's vote choice. Previous research on voting behaviour in the EP using roll-call data demonstrated that MEPs' voting behaviour on legislative proposals differs from that on non-legislative issues (Høyland 2010). Regarding vote choice, it was concluded that voting is predominantly structured along ideological lines, with nationality playing a minor role (Hix 2002; Hix and Noury 2009).

The question that many analyses of EP voting are hence asking is whether national parties or the transnational party groups that are formed inside the EP exert more influence. When analysing the votes cast in 1999 and 2000, Hix (2002) found national parties to be more important in determining MEP voting behaviour than transnational parties. This is especially true if national parties can tightly control their MEPs (Hix 2004) and if the chances of re-election depend on national parties (Faas 2003). When in doubt, MEPs vote with their national party rather than with the transnational party group. Mühlböck and Yordanova (2017) showed that in EP 6 MEPs often chose to abstain from voting when torn between their principals. However, there often is a 'grand coalition' between the socialist and Christian democratic party groups (cf. Kreppel 2002: 161).

Despite this partisan influence, Hix and Noury (2009) showed that on an MEP level, MEPs from the new member states showed a slightly different voting pattern than their colleagues from the old member states. Using roll-call data from the first half of EP 6, they found that MEPs from the new member states vote more often along national lines. As argued by Bailer and colleagues (2015) in the context of Council voting (as discussed in chapter 6), it might also be that a redistributive conflict shapes legislative decision-making. That is, MEPs from countries that are net contributors to the EU budget would be expected to behave differently than those coming from countries that are net receivers. Furthermore, MEPs from Eurosceptic parties are expected to generally be opposed to European legislation. In their analysis of the logic of Eurosceptic parties forming EPGs within the EP, Whitaker and Lynch (2014) had a respondent from the *European Freedom and Democracy* group telling them that 'it is rare [that we] produce an entirely negative voting list'. This suggests that it occasionally happens and indicates the general tendency to be opposed to proposals.

With regard to inter-institutional coalition building and the role political parties play in linking the Council and the EP, Hagemann and Høyland (2010: 829) show that 'disagreement in the Council spills over into disagreement inside the Parliament'. That is, if the vote in the Council was divided, it is more likely that EP voting is also divided along ideological lines. Likewise, Mühlböck (2013) finds that voting cohesion across institutions is mostly due to an overarching consensus. According to her analysis, the EPG exerts more influence on the voting behaviour of a member of the EP than the voting behaviour of that member's minister in the Council (Mühlböck 2013: 580) – the partisan links between these two institutions thus seem stronger than the national links. Also Finke (2016) presents survey evidence that MEPs receive voting instructions from 'their' minister. Given these findings it is thus necessary to control for whether an MEP's national party is part of the domestic government and thus represented in the Council.

Overall, there is some evidence that political parties shape voting behaviour in the Council and that they also provide for linkages between the Council and the EP, while national ties between the institutions seemed weak. Until now, linkages to the Commission have been disregarded, even though it is also mainly composed of career party politicians. This chapter makes a step towards filling this gap by linking voting in the EP back to characteristics of the primarily responsible Commissioner. The responsible Commissioner is expected to use her agenda-setting discretion to formulate proposals in line with her preferences. This discretion is limited by the other actors involved in the legislative process – with this chapter focusing on the EP. By anticipating the preferences of these actors, Commissioners seek to formulate realistically 'adoptable' proposals, with shared nationality and partisanship expected to indicate shared preferences. Knowing about the origin of legislative proposals is assumed to help understand vote choice. MEPs from the same

member state (hypothesis 5) and/or from the same EPG (hypothesis 6) as the proposing Commissioner are thus expected to have a lower likelihood of casting a contesting vote than MEPs not sharing such ties.

While being aware of the discussions that roll-call votes are a non-random sample of all votes cast in the EP (Høyland 2010; Hug 2010), the remainder of this chapter will analyse roll-call votes to test the hypotheses. These are the votes that provide the necessary information on the vote choice of individual MEPs. As Thierse (2016) has demonstrated, the salience an EPG attaches to a policy field has a positive effect on that EPG requesting a roll-call vote to be held. Given the higher salience of the requested RCVs included in the analysis, the expected behaviour should be visible in this sample. If it is not, it is most probably also not affecting vote choice in non-RCVs.

As Høyland (2010) found that voting behaviour is different on legislative proposals than on other votes, focusing on RCVs on legislative proposals makes for a more coherent subset of all RCVs on which to test the hypotheses. Substantially, focusing on legislative RCVs makes sense because it is directly related to a Commission proposal. This helps shed light on the second part of the research question of how far Commissioner characteristics influence the EU's legislative process. Based on the discussed research, it seems that when analysing the vote choice of individual MEPs several variables need to be controlled for. Accordingly, the following analysis will take the MEP's national party into account and will control for its government status as well as its stance on European integration. In addition, the budgetary status of the MEP's home country and whether it acceded in 2004 or later will be controlled for.

7.3 Data: Roll Call Voting in the EP

Just as in the previous chapter, the unit of analysis for the following analyses is the vote of an individual legislator on a given legislative proposal. Roll-call votes provide the information necessary to code the independent variables of interest. That is, whether the voting MEP (a) comes from the same member state as the proposing Commissioner ('country match') and (b) is a member of the same EPG as the Commissioner's national party ('party match'). As this analysis focuses on the linkages provided by nationality and partisanship in the legislative process, only votes on legislative proposals will be included.

This study uses roll-call data for EP 6 and the first two years of EP 7 (Hix and Noury, 2009; Buhl and Rasmussen, 2011, see the chapter appendix for an overview of the data used in this chapter). Both parliamentary terms will be analysed separately. Data for the RCVs in EP 6 were collected and published by Hix, Noury and Roland (Hix *et al.* 2006; 2007; 2009a; 2009b). For each calendar year of EP 6 a separate file containing MEPs' vote choices for all RCVs in that year is available. These had to be reshaped so that each row contains the vote choice of one MEP on one specific RCV – the unit of analysis – and then merged into a single file. Then, additional information on the MEPs and the votes had to be added from separate files, also available from Hix and colleagues. For the votes, information on the responsible Commissioner needed to be added, so that the country and party match variables could be coded. In addition, some votes are called to reject a given proposal. In these cases, voting 'yes' would mean supporting the rejection and hence would present a contestation. Hence, in these cases the coding of the outcome variable was reversed.

Data from EP 7 are available on itsyourparliament.eu, a website set up by Buhl & Rasmussen, a Danish data analysis firm (Buhl &

Rasmussen 2011). The website provides an application programming interface (API) that was used to download the RCV data.⁵⁶ Again, information on MEPs, proposals and outcomes were stored separately to begin with, before being combined for analysis. Using the document reference number, information on the responsible Commissioner for each proposal was obtained from the *European Union Policy-Making* (EUPOL) dataset (Häge 2011). Finally, the key independent variables – country match and party match – could be coded. Due to the different data sources, both parliamentary terms will be analysed separately.

In addition to these independent variables, there are some control variables on the country and party level that are assumed to influence vote choice. The national party is expected to affect vote choice and is thus controlled for. In addition, a party's government status was coded on a monthly basis and is included as a control, just as a dummy capturing whether the party is Eurosceptic or not, that is, whether it scores a six or lower on ParlGov's 10-point 'eu anti pro' scale (Döring and Manow, 2016; combining measures by Ray, 1999; Benoit and Laver, 2006; Bakker *et al.*, 2012). On the country level, the analysis controls for whether the voting MEP comes from one of the member states that joined the EU from 2004 onwards and also for the member state's budgetary status as a measure of the state's material interest (as suggested by Bailer *et al.*, 2015; Hix and Noury, 2009; budgetary data from the EU financial records).

7.4 Analysis

The dataset for EP 6 (2004–2009) includes information on 966 roll-call votes on legislative proposals, and the dataset for the first part of EP 7 (2009–2011) includes information on 528 such roll-call votes. MEPs who are present during voting time can choose to vote 'yes',

⁵⁶ Thanks to Floris Smit for valuable assistance with extracting the data.

‘no’ or abstain, with the latter two choices being treated as ‘contestation’ in the context of this analysis.

On an aggregate level, previous research found that voting cohesion within EPGs is generally high. The Agreement Index (Hix *et al.* 2005) – measuring whether all members of a group vote the same way (1) or are equally split between two choices (0) – often reaches 0.9 and more (Bressanelli *et al.* 2016; Hix *et al.* 2005; Whitaker and Lynch 2014). As a first step to contrast partisan and national motivations for vote choice, a look is taken at the frequency with which MEPs choose to vote differently from the majority of their EPG or their fellow nationals, respectively. In EP 6 only 8.3% of votes are different from the EPG majority and 15.3% are different from the member state majority. These numbers stand at 6.7% and 18.8% for EP 7, respectively. Hence, agreement among EPGs is higher than agreement among national delegations.

In a next step, a look is taken at votes that are different from the EPG majority on proposals tabled by the Commissioner from the MEP’s home country. Voting differently than the EPG majority to support a proposal by the compatriot Commissioner would be an indication of shared national interests being more important than the party preferences in that case. For EP 6, in 257 votes (26.6%) at least one MEP defected from the EPG majority in order to vote in favour of a proposal by the Commissioner of his or her home country. For EP 7 this was the case on 145 proposals (27.5%). Thus, between the two terms, the relative frequency of this form of national support was similar. In turn, voting differently from the EPG majority to contest a proposal by the compatriot Commissioner would be contrary to the expectations. Nonetheless, this happened on 346 (35.8%) and 135 (25.6%) proposals in EP 6 and 7, respectively.

For example, the Greek MEP Rodi Kratsa-Tsagaropoulou voted differently than the majority of the *European People’s Party* –

European Democrats (EPP-ED) group in 16 cases when the Greek Stavros Dimas (European Commissioner for the Environment) was primarily responsible for the legislative proposal. The agreement rate of 94% between Kratsa-Tsagaropoulou and Dimas (Kratsa-Tsagaropoulou voted in favour of 160 of 171 proposals by Dimas) is only surpassed by her perfect agreement with Franz Fischler, but this is based on only two proposals. Accordingly, there seem to be cases in which the Commissioners are better able to capture the preferences of their compatriot MEPs than that of the entire EPG. However, the example also highlights the importance of separating the effect of shared nationality from that of shared national party as both Kratsa-Tsagaropoulou and Dimas are not merely from the same country but also both members of the same party, *Nea Dimokratia*.

On the individual level, tables 7.1 and 7.2 cross-tabulate an individual MEP's vote choice with the county match variable (i.e. whether the voting MEP and the proposing Commissioner come from the same member state). The two cases provide mixed results. For EP 6 (table 7.1), 42.6% of the votes of MEPs coming from the same member state as the proposing Commissioner were contesting, whereas this was only the case in 37.9% of the votes if MEPs were from another member state than the proposing Commissioner. This is contrary to the expectation of hypothesis 5. In contrast, the data from the first two years of EP 7 (2009–2011, table 7.2) demonstrate the effect size is rather small but the trend is in the expected direction, with relatively fewer contesting votes if the country matches (26.4%) than if it does not match (30.1%).

| | | Country Match | | |
|--------------|-------------|----------------------|-------------------|--------------------|
| | | No | Yes | Total |
| Vote | 'Against' | 280,747 (37.9%) | 18,082 (42.6%) | 298,829 (38.2%) |
| | 'In favour' | 459,707 (62.1%) | 24,379 (57.4%) | 484,086 (61.8%) |
| Total | | 740,454 (100%) | 42,461 (100%) | 782,915 (100%) |

Table 7.1 – Vote Choice by Country Match, EP 6 (N = 782,915)

| | | Country Match | | |
|--------------|-------------|----------------------|------------------|--------------------|
| | | No | Yes | Total |
| Vote | 'Against' | 92,644 (30.1%) | 3,302 (26.4%) | 95,946 (30.0%) |
| | 'In favour' | 214,637 (69.9%) | 9,194 (73.6%) | 223,831 (70.0%) |
| Total | | 307,281 (100%) | 12,496 (100%) | 319,777 (100%) |

Table 7.2 – Vote Choice by Country Match, EP 7 (N = 319,777)

Likewise, tables 7.3 and 7.4 present the results of cross-tabulating the vote choice of an individual MEP with whether or not the MEP and the proposing Commissioner are a member of the same EPG. In both cases, the party match decreases the relative frequency of contestation; the effect size differs, though. As can be seen, in EP 6 (table 7.3) the relative frequency with which MEPs vote against a legislative proposal is hardly influenced by whether or not the party matches: 38.9% of the votes of MEPs on proposals of Commissioners of another EPG are against a proposal, while this decreases to 36.5% when the party matches. In contrast, for the first two years of EP 7 (table 7.4), the party match variable makes a considerable difference. If the party matches, only 21% of the votes are contesting, whereas 33% are contesting votes (approaching EP 6 levels) if the party does not match. Overall, the cross-tables thus support hypothesis 6.

| | | Party Match | | |
|--------------|-------------|--------------------|--------------------|--------------------|
| | | No | Yes | Total |
| Vote | 'Against' | 213,040 (38.9%) | 85,789 (36.5%) | 298,829 (38.2%) |
| | 'In favour' | 334,559 (61.1%) | 149,527 (63.5%) | 484,086 (61.8%) |
| Total | | 547,599 (100%) | 235,316 (100%) | 782,915 (100%) |

Table 7.3 – Vote Choice by Party Match, EP 6 (N = 782,915)

| | | Party Match | | |
|--------------|-------------|--------------------|-------------------|--------------------|
| | | No | Yes | Total |
| Vote | 'Against' | 79,449 (33.0%) | 16,497 (21.0%) | 95,946 (30.0%) |
| | 'In favour' | 161,665 (67.0%) | 62,166 (79.0%) | 223,831 (70.0%) |
| Total | | 241,114 (100%) | 78,663 (100%) | 319,777 (100%) |

Table 7.4 – Vote Choice by Party Match, EP 7 (N = 319,777)

When taking both variables, country match and party match, into account, for EP 6 there again is hardly a difference when contrasting the 'extremes' (see table 7.5). MEPs that neither share national nor partisan ties with the proposing Commissioner vote against a proposal 38.6% of the time, while those coming from the same member state and the same party do so in 37.1% of the cases. Interestingly, for MEPs that come from the same member state as the proposing Commissioner, party membership seems to have an effect on vote choice. Whereas 44.9% of the votes cast by MEPs from another party are against a legislative proposal, only 37.1% of the votes cast by MEPs from the same EPG are contesting – which in most cases is equivalent to the same national party. Accordingly, also on the European level MEPs are less likely to support policies proposed by a member of a national competitor.

| Country Match | | | | | | |
|---------------|---------------------|---------------------|---------------------|--------------------|--------------------|---------------------|
| No | | | Yes | | | |
| Vote | Party Match | | Party Match | | Total | |
| | No | Yes | No | Yes | Total | Total |
| 'Against' | 199,694 (38.6%) | 81,053 (36.4%) | 280,747 (37.9%) | 13,346 (44.9%) | 4,736 (37.1%) | 298,829 (38.2%) |
| 'In favour' | 318,207 (61.4%) | 141,500 (63.6%) | 459,707 (61.4%) | 16,352 (55.1%) | 8,027 (62.9%) | 484,086 (61.8%) |
| Total | 517,901 (100.0%) | 222,553 (100.0%) | 740,454 (100.0%) | 29,698 (100.0%) | 12,763 (100.0%) | 782,915 (100.0%) |

Table 7.1 – Vote Choice by Country Match and Party Match, EP 6 (N = 782,915)

| Country Match | | | | | | |
|---------------|---------------------|--------------------|---------------------|-------------------|-------------------|---------------------|
| No | | | Yes | | | |
| Vote | Party Match | | Party Match | | Total | |
| | No | Yes | No | Yes | Total | Total |
| 'Against' | 77,030 (33.0%) | 15,614 (21.1%) | 92,644 (30.1%) | 2,419 (31.3%) | 883 (18.6%) | 95,946 (30.0%) |
| 'In favour' | 156,346 (67.0%) | 58,291 (78.9%) | 214,637 (69.9%) | 5,319 (68.7%) | 3,875 (81.4%) | 223,831 (70.0%) |
| Total | 233,376 (100.0%) | 73,905 (100.0%) | 307,281 (100.0%) | 7,738 (100.0%) | 4,758 (100.0%) | 319,777 (100.0%) |

Table 7.2 – Vote Choice by Country Match and Party Match, EP 7 (N = 319,777)

Again, the trends are more pronounced for EP 7 (see table 7.6). Contrasting the extreme cases yields the expected difference. MEPs that neither share partisan nor national ties with the proposing Commission vote against a proposal in every third vote, while compatriots from the same EPG vote against the proposal only 18.5% of the time. Also in EP 7 the within-country difference remains (i.e. if the country matches, a party match further reduces the relative frequency of contestation). Overall, these cross-tabulations thus support the expectations that MEPs are less likely to cast contesting votes if the proposing Commissioner comes from their home country and if she is a member of the same EPG.

To control for the effects of other variables influencing an MEP's vote choice, logistic regressions will be estimated. For the EP, the data structure is less clear than it was for the analysis of Council votes presented in the previous chapter. In the case of the Council, a cross-classified model was estimated, as neither votes nor member states are fully nested in each other. This is also true for votes and MEPs (many MEPs vote on the same proposal, and a single MEP votes on many proposals). However there is a hierarchical structure, as individual MEPs are fully nested within national parties, which, in turn, are fully nested within member states. Also in this case estimating cross-classified logistic regression models seems most appropriate. The following models thus control for four levels of nesting: (1) vote level, (2) MEP level, (3) national party level and (4) member state level. On the party level, the models add controls for whether the national party of the MEP is in government at the time of voting and whether it is Eurosceptic. On the member state level, the budgetary status of their home member state and whether it entered the EU in 2004 or later are controlled for.

The models for EP 6 are based on more than 570,000 individual votes that 883 different MEPs from 185 national parties and 27

member states cast on 966 legislative RCVs. When estimating a cross-classified logistic regression model for EP 6 (model 1, table 7.7), the data support neither hypotheses 5 nor 6. MEPs are both significantly more likely to contest proposals put forward by compatriot Commissioners and by Commissioners who are members of the same EPG as they are. If the country matches, the odds of contestation increase by 28.2% [25.4%, 30.9%]. And if the voting MEP and proposing Commissioner are a member of the same EPG, the odds of contestation are 35.8% [34.1%, 37.5%] higher. That is, while the baseline probability of contestation is 7.7%, this increases to 9.7% [9.5%, 9.8%] if the country matches and to 10.2% [10.1%, 10.3%] if the party matches, while holding the other variables at their mean value. Thus, neither shared nationality nor shared party membership ensure a supportive vote.

However, when adding an interaction term between the country match and the party match variables (model 2, table 7.7) this has the expected effect. Hence, if the country matches, a party match reduces the likelihood of contestation, while it increases the likelihood of contestation if the country does not match. This was to be expected based on the trivariate table 7.5. If the country matches, a party match in most cases means that it is not only the EPG that matches, but the MEPs vote on a proposal from a compatriot Commissioner who is also a member of the same national party. For example, based on these findings the German social democratic MEPs should be considerably more likely to contest a proposal from the German Commissioner Günther Verheugen, who is a member of the Christian democratic party, than the German Christian democratic MEPs. The domestic party competition apparently also plays out in the EP. In contrast, the fact that a party match increases the likelihood of contestations when the country does not match suggests that using membership in the same EPG as proxy for shared policy preferences might not work.

| | EP 6 | | EP 7 | |
|-----------------------------|----------------------|----------------------|----------------------|----------------------|
| | (1) | (2) | (3) | (4) |
| | + Interaction | | + Interaction | |
| Vote Level | | | | |
| Country Match | 0.248 (0.021) *** | 0.388 (0.026) *** | -0.057 0.028 * | -0.021 (0.035) |
| Party Match | 0.306 (0.013) *** | 0.328 (0.013) *** | -0.661 (0.014) *** | -0.656 (0.014) *** |
| Country Match * Party Match | | -0.431 (0.046) *** | | -0.106 (0.060) . |
| Party Level | | | | |
| In Government | -0.052 (0.015) *** | -0.051 (0.015) *** | -0.221 (0.032) *** | -0.221 (0.032) *** |
| Euroscptic | 1.440 (0.125) *** | 1.441 (0.124) *** | 0.899 (0.125) *** | 0.899 (0.126) *** |
| Member State Level | | | | |
| Donor | 0.027 (0.026) | 0.026 (0.026) | 0.192 (0.082) * | 0.192 (0.083) * |
| New Member State | -0.436 (0.139) ** | -0.437 (0.134) ** | -0.479 (0.143) *** | -0.480 (0.144) *** |
| Constant (Fixed Effects) | -2.484 (0.110) *** | -2.491 (0.106) *** | -1.320 (0.135) *** | -1.321 (0.135) *** |
| Variance (Proposals) | 2.767 (1.663) | 2.771 (1.665) | 3.682 (1.919) | 3.682 (1.919) |
| Variance (MEP) | 0.046 (0.214) | 0.046 (0.214) | 0.177 (0.420) | 0.177 (0.420) |
| Variance (National Party) | 0.534 (0.731) | 0.532 (0.729) | 0.407 (0.638) | 0.406 (0.637) |
| Variance (Member States) | 0.033 (0.182) | 0.033 (0.183) | 0.083 (0.289) | 0.083 (0.289) |
| AIC | 365,280 | 365,194 | 249,630 | 249,628 |
| Log Likelihood | -182,629 | -182,585 | -124,804 | -124,802 |
| Votes | 570,674 | 570,674 | 317,589 | 317,589 |
| Proposals | 966 | 966 | 495 | 495 |
| MEPs | 883 | 883 | 759 | 759 |
| National Parties | 185 | 185 | 175 | 175 |
| Member States | 27 | 27 | 27 | 27 |

Table 7.3 – Cross-Classified Logistic Regression (Models 1–4)

Overall, the control variables have the expected effect. Most notably, being a member of a Eurosceptic party considerably increases the probability of contestation. Based on model 2, the baseline probability of contestation is 7.6%, which increases to 25.9% [23.6%, 28.4%] when changing the 'Eurosceptic' variable from 0 to 1 while holding the remaining variables at their mean values.⁵⁷ In addition, MEPs whose national party is in government domestically and those coming from one of the member states that entered the EU in 2004 or later have a lower likelihood of contestation, as expected. Interestingly, despite the large number of observations, no consistent effect of the member state's budgetary status on vote choice could be identified. The redistributive conflict seemingly has no decisive impact on vote choice across policy fields.

The results differ for EP 7. Here, the results are based on more than 310,000 individual votes of 759 MEPs from 175 national parties and 27 member states on 495 legislative RCVs. The data support both hypotheses 5 and 6 (model 3). Country match and party match both decrease the likelihood of MEPs casting a contesting vote, with party match having the larger effect. At 21.1% the baseline probability of contestation is estimated to be considerably higher. This probability decreases to 20.2% [19.7%, 20.6%] and the odds of contestation decrease by 5.5% [-8.1%, -2.8%] when changing the country match variable from 0 to 1 while holding the remaining variables at their mean values. Likewise, changing the party match variable from 0 to 1 considerably decreases the probability of contestation to 12.1% [12%, 12.3%] and correspondingly the odds of contestation by 48.4% [-49.1%, -47.7%]. Also for EP 7, an interaction term was added (model 4). The general tendency is as expected in that the effect of party match on reducing the likelihood of contestation is

⁵⁷ This corresponds to the odds of contestation being 322.5% [273.4%, 378.2%] higher for MEPs from Eurosceptic parties.

larger when the country matches than when it does not. However, the interaction term is only significant at the 5% level and when it is included, the main effect of country match disappears. Given the stronger negative effect of party match if the country matches, this also supports the notion that domestic party competition plays a role in the EP.

For EP 7, the control variables have the expected effects. MEPs whose national party is in government at the time of voting and those from the new member states are less likely to cast a contesting vote. In contrast, those from Eurosceptic parties and from member states that are net donors to the EU's budget are more likely to do so. Hence, for this period the budgetary status has a consistent effect on vote choice. Euroscepticism is still the variable with the largest effect – albeit smaller than in EP 6 – and the effect of government status became larger.

7.5 Discussion and Conclusion

This chapter looked at whether nationality and partisanship provide for inter-institutional linkages in the EU's legislative process, specifically between the European Commission and the EP. It is assumed that European Commissioners are political actors with policy preferences. A Commissioner's nationality and party membership are used as proxies for these preferences. It is expected that MEPs are less likely to vote against a proposal if they share national and/or partisan ties with the proposing Commissioner. An analysis of roll-call votes on legislative proposals in the sixth and seventh EPs (2004–2011) finds mixed evidence. In EP 6, taken individually neither country match nor party match have the expected effect. However, when interacted, if the country matches, a party match decreases the likelihood of contestation, as expected. In contrast, during the first two years of EP 7 both country and party

match decrease the likelihood of contestation, and the effect of party match is stronger if the country matches than if it does not.

When comparing the results of this chapter to those of the previous one on voting in the Council, the larger number of votes in the EP allows for different insights. In the Council, representatives of member state governments cast one vote per country. In the EP, up to 99 MEPs from a single member state and with diverse partisan backgrounds simultaneously cast their votes on the same proposal. For the Council it was concluded that nationality takes precedence over partisanship in decreasing the likelihood of contestation. This is not true for the EP, in which neither nationality nor membership in the same EPG have a consistent effect on vote choice. Only the interaction has a consistent negative effect on the likelihood of contestation.

Overall, it thus seems that even though the results of the previous EP election are ‘taken into account’ when nominating Commissioners, these partisan linkages are no guarantee of support in the legislative process. While the EP’s involvement in Commission nomination increased over time, it is still in the hand of national governments to select Commissioner nominees, who tend to select a member from a governing party. This could make for closer ties between the national governments – as represented in the Council – and individual Commissioners, despite the EP and the Commission being two supranational institutions. Instead, at the European level domestic party competition also seems to be driving contestation, as MEPs are less likely to support policies proposed by a member of a national competitor.

Even though McElroy and Benoit (2007; 2012) have concluded that EPGs bring together parties with similar positions and occupy different positions in the policy space, it might be that membership in the same EPG is still a too broad operationalisation of policy

preferences. In future research, the distances of MEPs' national parties from the Commissioner's party could be used instead. In addition, as the description of the ordinary legislative procedure in section 2.4 has demonstrated, the Commission loses legal 'ownership' of a legislative proposal after the first reading. Instead, the Council's first reading decision becomes the legal basis. In future analyses it would thus be worthwhile to examine whether the importance of sharing characteristics with the proposing Commissioner varies by reading.

Appendix 7A – Dataset Description EP Voting

EP Voting Data

Roll-call votes from EP 6 and EP 7:

- EP 6: Hix, Noury and Roland (<http://personal.lse.ac.uk/hix/HixNouryRolandEPdata.HTM>)
 - Vote choice
 - MEP information (ID/ Member State/ EPG)
 - Vote information (Date/ Title/ Responsible Commissioner)
- EP 7: Buhl & Rasmussen (<http://itsyourparliament.eu>)
 - Vote Choice
 - MEP information
 - Vote information

Dependent Variable

| | |
|--------------|--|
| Contestation | 0 = the MEP approved of the proposal/ disapproved of the proposal to reject 1 = the MEP voted against the proposal or abstained from voting/ voted for the proposal to reject |
|--------------|--|

Independent Variables

Proposal level

- Responsible Commissioner (EUR-Lex)
 - Nationality of that Commissioner (for 1998 – 2010 Hartlapp et al. (2014), extended to 2014 by myself)
 - National party affiliation of that Commissioner (for 1998 – 2010 Hartlapp et al. (2014), extended to 2014 by myself)
 - Membership of that party in a European Party Group at a specific time (own investigation)
- Responsible Directorate General (EUR-Lex)
- Legislative Procedure (EUR-Lex)

- Decision Mode in the Commission (EUR-Lex): Written/ Oral/ Empowerment/ Consultation

Vote level

- Country Match: Whether the nationality of the responsible Commissioner matches that of the voting MEP (1) or not (0).
- Party Match: Whether the national party of the responsible Commissioner is a member of the same European Party Group as the MEP (1) or not (0).

Overview of Sources

Buhl and Rasmussen (2011) *It's Your Parliament .eu*.

European Union (2015). *EUR-Lex: Access to European Union law*.

Retrieved from: <http://eur-lex.europa.eu/homepage.html>

Hartlapp, M., Metz, J. & Rauh, C. (2014). *Which Policy in Europe? Power and Conflict inside the European Commission*. New York: Oxford University Press.

Hix, S., Noury, A. & Roland, G. (2009). *Roll Call Votes in the European Parliament*. Retrieved from:

<http://personal.lse.ac.uk/hix/HixNouryRolandEPdata.HTM>

VoteWatch (2015). *Vote Watch Europe: Council Votes*. Retrieved from <http://www.votewatch.eu/>.

8 DISCUSSION AND CONCLUSION

This thesis set out to improve our understanding of the European Commission by focusing on the influence of individual-level characteristics of European Commissioners on their behaviour in office. In a next step, the consequences for the EU's legislative process were considered, given the Commission's role as the EU's legislative agenda setter. The European Commission has the monopoly on formally introducing proposals in the EU's legislative process. Some observers claim that the Commission's democratic accountability is lacking in view of this considerable power. In addition, with the current principle of one Commissioner per member state, it is often regarded as an oversized executive. In light of the developed theory and the analyses carried out in the previous chapters, this chapter will summarise the findings and discuss their broader implications.

8.1 Modelling Commissioner Behaviour Theoretically

To answer the research question of how Commissioners' characteristics influence their behaviour and consequently the EU's legislative process, a theoretical framework was developed based on a principal-agent model. Generally, there are two basic rationales for principals to delegate authority to an agent: lowering transaction costs and increasing policy-making efficiency. In the specific case of the EU, a third rationale for delegation exists. That is, signalling a member state's credible commitment to the project of European integration by limiting its own decision-making power in favour of communitarian decision-making (Franchino 2005; Pollack 2006).

In the case of the European Commission, the appointment represents the initial delegation of authority from the member state

governments (principals) to the Commissioners (agents). Pre-appointment screening can help member states minimise the problems of delegation, such as adverse selection and moral hazard. The risk of adverse selection (i.e. misjudging the agent's preferences prior to appointment) in the context of Commissioner appointment can especially be reduced by nominating candidates with prior political visibility. An agent's individual characteristics provide important information for the principals during the selection process and beyond. The problem of moral hazard arises when the agent gains private information after appointment that could possibly result in the agent diverging from the principal's preferences (cf. Weingast and Moran, 1983). It is generally expected that the principal-agent relationship is better if both have some characteristics in common.

The underlying expectation was that governments pick Commissioners whose preferences are expected to be in line with their own preferences. This would allow governments to reap the benefits of delegation, as transaction costs would indeed be lowered if they put an agent with shared preferences in place. Still, even a capable agent with initially shared preferences may pose problems later. Private information gained after appointment could put agents in a moral hazard, having to decide to ignore that information or to diverge from the principal's preferences. This possibly results in conflict between Commissioners and the principals who appointed them.

As in all principal-agent relationships, control mechanisms are available to rein Commissioners in. Ultimately, the step of presenting a legislative proposal to the Council and the EP decreases the informational asymmetries and also offers an opportunity to sanction the Commission for going too far astray by voting a proposal down. In addition, especially national governments as principals still exert influence on Commissioners after appointment, as it is they who

decide on re-nomination and influence the Commissioner's chances of (re-)entering national politics.

Overall, it was argued that the role of a Commissioner seems to be akin to that of a minister in a national system of government (Hörl *et al.* 2005; Wonka 2008a). Hence, the responsible Commissioner was argued to enjoy ministerial discretion and thus Commission-internal agenda-setting power that allows her to move the proposal closer to her ideal point. This internal discretion is limited by the interests of other Commissioners as well as the guidelines set by the Commission President under Article 17(6.a) TEU. Preferences of individual Commissioners were thus expected to matter. It was hypothesised that nationality and party membership are important factors influencing the preferences of individual Commissioners and consequently the location of the Commissioner's ideal point in the policy space.

Though these intra-institutional dynamics are important for understanding the power of individual Commissioners, the Commission does not act in political isolation. Instead, to pass legislation it needs the approval of (a qualified majority of) the member state governments represented in the Council and increasingly also of a majority of the MEPs. The standard model of legislative politics thus suggests that Commissioners act strategically and are sensitive to the preferences of member state governments as represented in the Council and national party preferences as represented in the EP (Crombez 1996; Tsebelis and Garrett 2000). By anticipating these preferences, Commissioners aim at submitting proposals that have a good chance of adoption (Leuffen and Hertz 2010; Steunenberg 1994), while still positioning them as close to their ideal point as possible.

Spatial models were then used to model how individual Commissioners can use their discretion in the inter-institutional

legislative process to achieve this aim. To make adoptable proposals, Commissioners need to consider the preferences of the other institutions. If they do so successfully, they can use their proposal power to realise utility gains from policy reform (i.e. move the reformed policy closer to their own – nation- or party-based – ideal point than the previous policy).

If the Commissioner is a national agent (i.e. equating her ideal point with that of her home country), the Commissioner would make a proposal that is located as close to the home country's ideal point as possible. Hence, the models showed that in this case if voting is sincere, there should be no contestation by the Commissioner's home country in the Council. In contrast, if the Commissioner's actions are more informed by her partisanship, a contestation by her home country in the Council becomes more likely, especially if the home country is governed by a coalition government or the government changes after the Commissioner was appointed. Overall, the preference configuration in the Council may have a considerable impact on how much discretion the responsible Commissioner can exercise in proposal formulation. The inclusion of the EP as an additional veto player increases policy stability and possibly decreases the power of the Commission as agenda setter.

8.2 Testing the Hypotheses

Based on this theoretical framework, it was expected that a Commissioner's nationality and membership in a political party have a decisive impact on how a Commissioner fulfils her tasks once in office. To test this expectation, six hypotheses were derived in chapter 4 and empirically tested in chapters 5 through 7 using different data sources. The first part of the research question about the consequences of Commissioners' characteristics on their behaviour was evaluated using the transcripts of speeches as a directly observable behaviour. For the second part of the research

question about the impact of Commissioner characteristics on the legislative process, a more indirect measure was used. In this case, the voting records of the other legislative institutions – the Council and the EP, respectively – were analysed.

In chapter 5, Commissioner speeches were analysed as a direct measure of Commissioner behaviour. The focus was on the effect of a government change in the Commissioner's home country on the position the Commissioner takes in her speeches. It was expected that as the party that appointed the Commissioner lost its governing power, the behaviour of its agent would change, resulting in hypothesis 1: 'A change in the government status of a Commissioner's national party leads to a change of the positions a Commissioner takes in her speeches'. In addition, Commissioners were expected to change their positions in response to developments in the policy field they are responsible for as well as to the global financial crisis as an external shock with far-reaching policy consequences.

To test this hypothesis, speeches held by Commissioners of the first Barroso Commission between November 2004 and February 2010 were categorised into 'Commissioner – Topics', bringing together all speeches an individual Commissioner held on a given topic. The unsupervised automatic text analysis method Wordfish was used to extract the positions Commissioners took in the individual speeches within Commissioner – Topics and the positions were traced over time. Overall, Commissioners changed positions they took in speeches on topics in which policy developments were observed. Likewise, in seven out of nine Commissioner – Topics expected to be affected by the financial crisis, the positions taken before the Lehman Brothers bankruptcy were indeed different from those taken afterwards. However, a change in the government status of the Commissioner's party did not result in discernible changes in the

positions taken in speeches. Hypothesis 1 thus needs to be rejected. It seems that Commissioners' national political parties are indeed only one of several principals. According to their speeches, Commissioners are not predominantly concerned with politics in their home countries but policy-related developments have a larger influence on the positions they take.

In chapters 6 and 7, the consequences of Commissioner characteristics on their behaviour were measured indirectly. Here, voting in the Council and the EP was examined as behaviour of others in response to Commissioner actions. For both institutions, the votes on legislative proposals were studied.

Chapter 6 tests hypotheses 2 through 4 on the impact of national and partisan ties between Commissioners and member states on vote choice in the Council. Hypothesis 2 expected that legislative proposals are less likely to be contested by a member state in the Council if the proposing Commissioner comes from that member state. Likewise, the general expectation of hypothesis 3 was that legislative proposals are less likely to be contested by a member state in the Council if the proposing Commissioner shares partisan ties with the government of the voting member state. Two different operationalisations of partisan ties were tested. First, hypothesis 3a took a narrow understanding by focusing on whether the proposing Commissioner and the responsible national minister were a member of the same EPG. Second, hypothesis 3b took a wider understanding by focusing on whether the proposing Commissioner and any of the parties in government were members of the same EPG. Finally, hypothesis 4 expected the effects of national and partisan ties to differ across policy fields, with national ties expected to be more important when voting on proposals subject to redistributive conflict (hypothesis 4a) and partisan ties expected to

be more important when voting on proposals subject to left-right conflict (hypothesis 4b).

These hypotheses were put to the test using data on contested Council voting on legislative proposals made by members of the Prodi and Barroso Commissions. Overall, hypothesis 2 is supported in that a country match decreases the probability of contestation. There is mixed evidence concerning the effect of partisan ties. If the Commissioner and any of the parties in government share such ties the probability of contestation slightly decreases, but this is not the case if the Commissioner and the responsible national minister are members of the same EPG. Hypothesis 3b is thus supported, whereas hypothesis 3a is not. Regarding the impact of the conflict dimension, member states are overall more likely to contest proposals subject to left-right conflict, while they are less likely to contest proposals subject to a redistributive conflict. However, there is no interaction effect between shared characteristics and the major conflict dimension. Neither are national ties more important for redistributive proposals nor are partisan ties more important for left-right proposals; hypotheses 4a and 4b are thus not supported. Shared national and partisan ties thus ease inter-institutional decision-making between the Commission and the Council, with nationality taking precedence over partisanship.

In chapter 7, an analysis of the impact of national and partisan ties between Commissioners and MEPs was carried out, testing hypotheses 5 and 6. Hypothesis 5 expected that legislative proposals are less likely to be contested by MEPs that come from the same member state as the proposing Commissioner. And hypothesis 6 expected that legislative proposals are less likely to be contested by MEPs that share partisan ties with the proposing Commissioner. These hypotheses were tested using roll-call voting

data from EP 6 (2004–2009) and the first years of EP 7 (2009–2011).

The results vary over time. The data for EP 6 support neither of the hypotheses. Both party and country match significantly increase the likelihood of contestation. In contrast, the data for EP 7 support both hypotheses 5 and 6. Country match and party match both decrease the likelihood of MEPs casting a contesting vote. Party match almost halves the probability of contestation, while country match only has a small negative effect. During both terms, interacting the two variables has the expected effect. That is, if the country matches, a party match reduces the likelihood of contestation, while it increases the likelihood of contestation if the country does not match. It thus seems that the EP is just another forum for the competition between national parties beyond the domestic stage. It is not ‘merely’ shared nationality or membership in the same party family that decreases contestation, but quite specifically being a member of the same national party that is doing the trick.

As expected, analysing voting in the EP allows for different insights than analysing Council voting. For the Council it was concluded that nationality takes precedence over partisanship in decreasing the likelihood of contestation. This is not true for the EP, in which neither nationality nor membership in the same EPG have a consistent effect on vote choice. Only the interaction has a consistent negative effect on the likelihood of contestation.

To conclude, the analyses conducted in this thesis suggest that neither nationality nor party membership have a decisive impact on Commissioner behaviour in terms of speech making. Still, these characteristics seem to impact inter-institutional relations in the EU’s legislative process. In her relationship with the Council, a Commissioner’s nationality takes precedence over her partisanship. In her relationship with the EP, national party competition seems to

be continued given that proposals from Commissioners from the same national party are hardly contested, whereas the likelihood of contestation increases if the Commissioner comes from the same member state but is a member of a nationally competing party. To answer the research question, nationality and party membership – two central characteristics of Commissioners as European politicians – do not seem to have a large impact on Commissioners' behaviour. At least in terms of their speech making, position-related processes like policy developments have a larger impact on their behaviour. Still, these two characteristics seem to have an impact on the legislative process as shared characteristics ease inter-institutional cooperation.

8.3 Implications

The results of this thesis have implications beyond answering its specific research question and testing the hypotheses. It is especially relevant to discuss the findings' implications for the mentioned Commission reforms in terms of improving its accountability and reducing the size of the College. It was argued that a strong role of political parties in the European Commission to some extent would address both of these issues, by providing an accountability mechanism and a rationale for 'sharing' Commissioners.

A Commission with Commissioners clearly making different policy proposals based on their party membership would be directly comparable to national governments. On the one hand, this would make for true electoral competition in the EP election if the make-up of the Commission – beyond the *Spitzenkandidat* – was linked to the outcome of that election. In this case, different candidates or teams would be competing for the votes of the European *demos* based on different party platforms and with possibly different visions on the

next steps of European integration. This would also mean that the European citizens could hold the Commission electorally accountable at the next election, renewing its mandate if satisfied with its performance or voting for change if not. This would strengthen the Commission's legitimacy and establish a chain of accountability from voters to the European Commission, thereby reducing the democratic deficit. On the other hand, when reducing the number of Commissioners below the number of member states, party membership could more openly serve as a selection criterion. In this case, member states governed by parties from the same party family could more easily agree on a 'shared' Commissioner from that party family.

However, the analyses carried out in the previous chapters do not fully warrant these interpretations. Being part of the same party family (operationalised throughout this thesis as membership in the same EPG) does not necessarily ease inter-institutional decision-making. Instead, nationality seems to consistently ease inter-institutional relations, albeit to differing extents across institutions and time. It thus seems warranted that smaller member states are afraid of losing their voice 'in Brussels' if they lose their Commissioner. However, the Juncker Commission – to date the only Commission nominated following the *Spitzenkandidaten* procedure – was not studied in this thesis. The procedure might have increased the visibility of partisan ties.

In addition, the mixed evidence concerning the effect of these characteristics on inter-institutional decision-making justifies the public conflict over the portfolio allocation in the Commission. If shared nationality has an easing effect, it seems worthwhile to not shy away from conflict in order to secure an essential portfolio. In this conflict, the first priority would be securing a relevant portfolio for the member state's 'own' Commissioner. The second priority would

be for member states to also pay attention to who is getting which portfolios dear to their interests.

Moreover, a principal-agent-model was applied to the relationship between member states and Commissioners. Accordingly, the results can be used to assess whether Commissioners are truly agents of all member states, as envisaged by the treaties, or whether there is a special relationship with their home countries. Especially by analysing their speeches, it seems that the Commissioners are agents of multiple principals. While Commissioners seem to update their positions following an unforeseen crisis, the substantial drop in a party's power resulting from a lost election is not directly visible in Commissioners' positioning. Both of this is reassuring to the EU citizenry. On the one hand, Commissioners do not ignore new information and allow their views to develop. On the other hand, once they accept their job for the EU, Commissioners seem to be not deterministically swayed by domestic developments. Still, it is the political system they are rooted in and the Commission-internal terminus of calling the home country the 'country they know best' seems quite applicable. Overall, Commissioners appear to be torn between different principals with nationality and partisanship – as operationalised in this thesis – only explaining little of the observed variance.

8.4 Limitations and Future Research

There are some lessons to be learnt from this study for similar endeavours in the future as well as some ideas of what these endeavours might be. This section thus discusses the weaknesses of some of the operationalisations used throughout this thesis, as well as proposes possible improvements. Based on these, some ideas for future research are discussed.

Several operationalisations used in this thesis proved to have unexpected weaknesses that should be avoided in the future. First, using the JCMS Annual Reviews to measure policy developments appears to have been a broad-brush approach, as important policy-field specific developments were not captured. If ten or more speeches are held on a topic over the span of a couple of years, this already indicates the topic's salience. Upon investigation, other sources pertaining to such salient topics should be identifiable. However, topic identification should not be driven by the speech analysis. Unfortunately no alternative concise summary that could serve as a valid indication of events on the portfolio level which might affect speeches comes to mind. This is definitely a point worth thinking about before conducting a follow-up analysis.

Second, it was surprising that the narrower operationalisation of party match in chapter 6 (i.e. whether the proposing Commissioner and the responsible national minister are members of the same EPG) did not have the hypothesised effect. In this case, it would be interesting to investigate whether a party match with the voting – instead of the responsible – minister would reduce the likelihood of contestation. If conflicts on legislative proposals are resolved, they are routinely put to a vote in the next Council meeting, regardless of whether the meeting Council configuration is responsible for the proposal's policy field. Given that all issues were resolved in preparatory stages, also the member states' vote choices are expected to be certain beforehand. Finding an effect of the voting minister would thus be unexpected, but given the unforeseen findings it might be worthwhile to put this expectation to the test.

Third, given the difficulties arising from the current operationalisation of the 'party match' variable in terms of membership in the same EPG, an alternative could be tried. For example, a distance measure could be used, taking the distance of the Commissioner's national

party to the party of the voting actor (minister/government/MEP) into account. When using such a measure, additional effort needs to be made to decide on the dimension along which the distance is measured. Given that the major conflict dimension along which a proposal is discussed apparently has an impact on vote choice (see chapter 6), this thesis would lend support to the notion of using the distance on the proposal's major conflict dimension.

Fourth, for a subset of the legislative proposals analysed in this thesis, the estimates from the DEU datasets (Thomson *et al.* 2006; Thomson *et al.* 2012) can provide additional information about the substantive preferences of actors at the beginning of the legislative process. Especially the possibility to compare these original preferences to the legislative outcomes allows for insights concerning the success of different actors in asserting the own preferences (Costello and Thomson 2011; Cross 2013; Schneider *et al.* 2010), the voting power in the Council (Pajala and Widgrén 2004) and the amount of discretion delegated to the Commission (Thomson and Torenvlied 2010), amongst others. However, the major problem with this dataset for the current research objective is that information on Commission-internal decision-making is not included in this dataset, making the distinction between individual Commissioners impossible. Instead, the Commission is treated as unitary actor with a single ideal point. The Commission's official secrecy prevents the informants on whose accounts the estimates are based from providing insights into the influence of different actors within the Commission such as individual Commissioners. Adding these data would thus allow for insights on proposal-specific preferences of the different member states and how these impact the decision-making process for conflictual issues.

Having these proposals to improve upon the used operationalisations in mind, avenues for future research to build on

the findings of this thesis are now discussed. Overall, the explained variance of the models presented in this thesis is limited. That is, they suffer from omitted variable bias and random noise. Hence, future studies need to get back to specifying the theory and identifying possible third variables affecting positioning or vote choice.

There are several ideas how to extend the analysis of Commissioner speeches presented in chapter 5. The first is an extension of the analysis in time. This would allow for a comparison between different Commission terms to test whether the current findings are applicable across time. Results could for example vary depending on the Commission President, who is an important constraining factor on a Commissioner's discretion. Also, it could be investigated how positions taken in speeches change in response to other external shocks, such as the Fukushima Daiichi nuclear disaster in March 2011. In addition, the data on speech location that was now only used for illustrative purposes (figures 5.3 and 5.4), could also be incorporated in the analysis to trace whether positioning differs, for example, by location or audience. It would be interesting to analyse whether Commissioners take different positions in their home countries than when delivering speeches in the EU's institutions or whether those delivered in the policy-making context measurably differ from speeches to the public. In addition, other analysis methods could be added to not only use the textual transcripts of speeches but also audio-visual data. This would allow for a more comprehensive measure of speech-making and debating styles, allowing inferences about whether individual styles might affect legislative outcomes.

The analyses presented in chapters 6 and 7 aimed at identifying the impact of individual Commissioners in the legislative process. An alternative approach to analysing the voting behaviour in the Council

and the EP, respectively, would be to use process-tracing methods. In this case the preparatory stage could also be taken into consideration. Possibly, a Commissioner made an initiative that was clearly linked to her national origin or partisan ideology that became very consensual during the preparatory process before the legislative proposal was formally introduced and ultimately put to a vote. Moreover, also the analyses of Council and EP voting could be developed further to also take the time-series character of legislative decision-making into account. This could, for example, be done by taking the stage of the legislative process (i.e. first/ second/ third reading) into account or in cases in which data on multiple votes on the same proposal (by either or both of the institutions) is available, these could be investigated separately to analyse whether voting patterns change over the course of this process. Lastly, the ‘Santer effect’ discussed in section 4.3 could be analysed more explicitly by also collecting data on that and earlier Commissions to test whether the forced resignation had a lasting impact.

8.5 Conclusion

According to Günter Verheugen, who served as Germany’s Commissioner in the Prodi and Barroso I Commissions, ‘every member of the Commission is also a politician’ (Etzold, 2014). In this statement he referred to a Commissioner’s membership in a political party, which he apparently considers a central element of being a politician. And also his successor Günther Oettinger (Germany’s Commissioner since 2010) is still firmly grounded in the German Christian Democratic Party (CDU). This was, for example, visible on the night of the 2017 federal election, when Oettinger stood right next to Angela Merkel when she accepted the CDU’s victory among the party’s leading politicians.











These and other comparable observations challenge the notion of European Commissioners as independent pro-Europeans having















nothing but the best interest of the EU in mind. Accordingly, this thesis set out to test whether a Commissioner's nationality and party membership – two characteristics important during the selection process – are important explanatory factors for a Commissioner's behaviour once in office. While both have an impact – with that of nationality being more consistent than that of party membership – there is no deterministic relationship. The EU's system of governance includes too many checks on the Commissioners' powers and too many opinions have to be reconciled for them to lopsidedly champion the interests of their home countries or parties. Still, within the tightly set limits of Commissioner discretion, both of these factors have some explanatory power.















In a way, this thesis argues that the Commission could benefit from more openly acknowledging the partisan origin of its Commissioners. If subscribing to the idea that the EU suffers from a democratic deficit, establishing an electoral link between the EU's executive and its citizens could reduce this deficit. In addition, party membership could also provide a rationale for sharing Commissioners among multiple member states when reducing the number of Commissioners below the number of member states. Overall, Verheugen seems to be right in that Commissioners are indeed politicians with possibly conflicting interests. Taking this into account improves our understanding of EU decision-making.

APPENDIX A – LIST OF COMMISSIONERS AND KEY CHARACTERISTICS











Santer Commission (23 January 1995 – 15 March 1999)

















| Name | Portfolio | Gender | Nationality | National Party | EPG |
|-------------------|---|--------|---|----------------|---|
| Santer, Jacques | President | ♂ |  | PCS-CVS |  |
| Brittan, Leon | VP; Commercial Policy and External Relations with North America, Australasia, East Asia, the OECD and WTO | ♂ |  | Conservatives |  |
| Marin, Manuel | VP; External Relations with the Southern Mediterranean, Latin America and the Middle East | ♂ |  | PSOE |  |
| Bangemann, Martin | Industrial Affairs, Information and Telecommunication Technologies | ♂ |  | FDP |  |
| van Miert, Karel | Competition | ♂ |  | SP |  |
















| | | | | | |
|------------------------|--|---|---|------|---|
| van den Broek, Hans | Relations with Central and Eastern Europe, CFSP and the External Service | ♂ |  | CDA |  |
| de Deus Pinheiro, João | Relations with African, Caribbean, Pacific Countries, South Africa and the Lomé Convention | ♂ |  | PSD |  |
| Flynn, Pádraig | Employment and Social Affairs and Relations with the EESC | ♂ |  | FF |  |
| Oreja, Marcelino | Relations with the European Parliament, Culture, Audiovisual Policy | ♂ |  | PP |  |
| Gradin, Anita | Immigration, Justice and Home Affairs, Financial Control, Anti-Fraud and Relations with the European Ombudsman | ♀ |  | SDAP |  |
| Cresson, Édith | Research, Science and Technology | ♀ |  | PS |  |
| Bjerrgaard, Ritt | Environment and Nuclear Security | ♂ |  | SD |  |













| | | | | | |
|--------------------------|---|---|---|-------------|---|
| Wulf-Mathies, Monika | Regional Policy | ♀ |  | SPD |  |
| Kinnock, Neil | Transport, including TEN | ♂ |  | Labour |  |
| Monti, Mario | Internal Market, Services, Customs and Taxation | ♂ |  | Independent | Independent |
| Fischler, Franz | Agriculture and Rural Development | ♂ |  | ÖVP |  |
| Bonino, Emma | Consumer Policy, Fisheries and ECHO | ♀ |  | Radicals |  |
| de Silguy, Yves-Thibault | Economic and Financial Affairs | ♂ |  | Independent | Independent |
| Liikanen, Erkki | Budget, Personnel and Administration | ♂ |  | SSDP |  |
| Papoutsis, Christos | Energy, Euratom Supply Agency, SMEs and Tourism | ♂ |  | PASOK |  |











Prodi Commission (13 September 1999 – 21 November 2004)

| Name | Portfolio | Gender | Nationality | National Party | EPG |
|--------------------|--|--------|---|----------------|---|
| Prodi, Romano | President | ♂ |  | Independent | Independent |
| Kinnock, Neil | VP; Administrative Reform | ♂ |  | Labour |  |
| de Palacio, Loyola | VP; Inter-Institutional Relations and Administration, Transport and Energy | ♀ |  | PP |  |
| Monti, Mario | Competition | ♂ |  | Independent | Independent |
| Fischler, Franz | Agriculture and Fisheries | ♂ |  | ÖVP |  |
| Liikanen, Erkki | Enterprise and Information Society; left office in July 2004 | ♂ |  | SSDP |  |















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|-------------------|---|---|---|------|---|
| Rehn, Olli | Enterprise and Information Society; entered office in July 2004 | ♂ |  | SK |  |
| Bolkestein, Frits | Internal Market | ♂ |  | VVD |  |
| Busquin, Philippe | Research; left office in July 2004 | ♂ |  | PS |  |
| Michel, Louis | Research; entered office in July 2004 | ♂ |  | MR |  |
| Solbes, Pedro | Economic and Monetary Affairs; left office in April 2004 | ♂ |  | PSOE |  |
| Almunia, Joaquín | Economic and Monetary Affairs; entered office in April 2004 | ♂ |  | PSOE |  |
| Nielson, Poul | Development and Humanitarian Aid | ♂ |  | SD |  |
| Verheugen, Günter | Enlargement | ♂ |  | SPD |  |

















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|-------------------|---|---|---|---------------|---|
| Patten, Chris | External Relations | ♂ |  | Conservatives |  |
| Lamy, Pascal | Trade | ♂ |  | PS |  |
| Byrne, David | Health and Consumer Protection | ♂ |  | FF | Independent |
| Barnier, Michel | Regional Policy; left office in April 2004 | ♂ |  | RPR-UMP |  |
| Barrot, Jacques | Regional Policy; entered office in April 2004 | ♂ |  | UDF-UMP |  |
| Reding, Viviane | Education and Culture | ♀ |  | PCS-CVS |  |
| Schreyer, Michael | Budget | ♀ |  | Greens |  |
| Wallström, Margot | Environment | ♀ |  | SDAP |  |

















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|---|--|---|---|-------------------------|---|
| Vitorino, António | Justice and Home Affairs | ♂ |  | PS |  |
| Diamantopolou, Anna | Employment and Social Affairs; left office in March 2004 | ♀ |  | PASOK |  |
| Dimas, Stavros | Employment and Social Affairs; entered office in March 2004 | ♂ |  | ND |  |
| Commissioners from the newly acceding member states took office on 1 May 2004 | | | | | |
| Balász, Péter | Regional Policy | ♂ |  | independent | independent |
| Hübner, Danuta | Trade | ♀ |  | independent | independent |
| Kallas, Siim | Economic and Monetary Affairs | ♂ |  | Eesti Reformierakond |  |
| Borg, Joe | Development and Humanitarian Aid | ♂ |  | Nationalist Party |  |















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|---------------------|------------------------------------|---|---|-------------|---|-------------|
| Kalniete, Sandra | Agriculture and Fisheries | ♀ |  | New Era |  | independent |
| Grybauskaitė, Dalia | Education and Culture | ♀ |  | independent | | |
| Potočnik, Janez | Enlargement | ♂ |  | LDS |  | |
| Figel, Ján | Enterprise and Information Society | ♂ |  | KDH |  | |
| Kyprianou, Markos | Budget | ♂ |  | DIKO |  | |
| Telička, Pavel | Health and Consumer Protection | ♂ |  | independent | | independent |







Barroso I Commission (22 November 2004 – 8 February 2010)

| Name | Portfolio | Gender | Nationality | National Party | EPG |
|----------------------|---|--------|---|----------------------|---|
| Barroso, José Manuel | President | ♂ |  | PSD |  |
| Wallström, Margot | VP; Institutional Relations and Communication Strategy | ♀ |  | SDAP |  |
| Verheugen, Günter | VP; Enterprise and Industry | ♂ |  | SPD |  |
| Barrot, Jacques | VP; Transport | ♂ |  | UDF-UMP |  |
| Kallas, Siim | VP; Administrative Affairs, Audit and Anti-Fraud | ♂ |  | Eesti Reformierakond |  |
| Frattoni, Franco | VP; Justice, Freedom and Security; left office April 2008 | ♂ |  | Forza |  |
| Tajani, Antonio | VP; Transport; entered office June 2008 | ♂ |  | Forza |  |













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|-----------------------|-----------------------------------|---|---|-------------------|---|
| Reding, Viviane | Information Society and Media | ♀ |  | PCS-CVS |  |
| Dimas, Stavros | Environment | ♂ |  | ND |  |
| Almunia, Joaquín | Economic and Monetary Affairs | ♂ |  | PSOE |  |
| Borg, Joe | Maritime Affairs and Fisheries | ♂ |  | Nationalist Party |  |
| Potočnik, Janez | Science and Research | ♂ |  | LDS |  |
| Kovács, László | Taxation and Customs | ♂ |  | MSZP |  |
| Kroes, Neelie | Competition | ♀ |  | VVD |  |
| Fischer Boel, Mariann | Agriculture and Rural Development | ♀ |  | Venstre |  |








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|-------------------------|--|---|---|--------------|---|
| Ferrero-Waldner, Benita | External Relations and European Neighbourhood Policy | ♀ |  | ÖVP |  |
| McCreevy, Charlie | Internal Market and Services | ♂ |  | FF |  |
| Špidla, Vladimír | Employment, Social Affairs and Equal Opportunities | ♂ |  | CSSD |  |
| Piebalgs, Andris | Energy | ♂ |  | Latvian Cels |  |
| Rehn, Olli | Enlargement | ♂ |  | SK |  |
| Kyprianou, Markos | Health; left office March 2008 | ♂ |  | DIKO |  |
| Vassiliou, Androulla | Health; entered office March 2008 | ♀ |  | ED |  |
| Mandelson, Peter | Trade; left office October 2008 | ♂ |  | Labour |  |
















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|---------------------|--|---|---|-------------|---|
| Ashton, Catherine | Trade; entered office October 2008 | ♀ |  | Labour |  |
| Grybauskaitė, Dalia | Financial Programming and Budget; left office July 2009 | ♀ |  | independent | independent |
| Šemeta, Algirdas | Financial Programming and Budget; entered office July 2009 | ♂ |  | none |  |
| Hübner, Danuta | Regional Policy; left office July 2009 | ♀ |  | PO |  |
| Samecki, Paweł | Regional Policy; entered office July 2009 | ♂ |  | independent | independent |
| Michel, Louis | Development and Humanitarian Aid; left office July 2009 | ♂ |  | MR |  |
| de Gucht, Karel | Development and Humanitarian Aid; entered office July 2009 | ♂ |  | VLD |  |
| Figel', Ján | Education, Training, Culture and Youth; left office October 2009 | ♂ |  | KDH |  |

















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|---|---|---|---|------|---|
| Šefčovič, Maroš | Education, Training, Culture and Youth; entered office October 2009 | ♂ |  | SMER |  |
| Commissioners from the newly acceding member states took office on 1 January 2007 | | | | | |
| Kuneva, Meglena | Consumer Protection | ♀ |  | NDSW |  |
| Orban, Leonard | Multilingualism | ♂ |  | PNL |  |







Barroso II Commission (9 February 2010 – 31 October 2014)

| Name | Portfolio | Gender | Nationality | National Party | EPG |
|----------------------|--|--------|---|----------------------|---|
| Barroso, José Manuel | President | ♂ |  | PSD |  |
| Ashton, Catherine | VP; High Representative of the Union for Foreign Affairs and Security Policy | ♀ |  | Labour |  |
| Reding, Viviane | VP; Justice, Fundamental Rights and Citizenship | ♀ |  | PCS-CVS |  |
| Reichert, Martine | Justice, Fundamental Rights and Citizenship | ♀ |  | LASP |  |
| Almunia, Joaquín | VP; Competition | ♂ |  | PSOE |  |
| Kallas, Siim | VP; Transport | ♂ |  | Eesti Reformierakond |  |

| | | | | | |
|--------------------------|--|---|---|--------------|---|
| Kroes, Neelie | VP; Digital Agenda | ♀ |  | VVD |  |
| Tajani, Antonio | VP; Industry and Entrepreneurship | ♂ |  | Forza |  |
| Nelli Feroci, Ferdinando | Industry and Entrepreneurship | ♂ |  | Independent | Independent |
| Šefčovič, Maroš | VP; Inter-Institutional Relations and Administration | ♂ |  | smer |  |
| Rehn, Olli | VP; Economic and Monetary Affairs | ♂ |  | SK |  |
| Katainen, Jyrki | VP; Economic and Monetary Affairs and the Euro | ♂ |  | KOK |  |
| Potočnik, Janez | Environment | ♂ |  | LDS |  |
| Piebalgs, Andris | Development | ♂ |  | Latvian Cels |  |

| | | | | | |
|------------------------|--|---|---|----------------|---|
| Barnier, Michel | Internal Market and Services | ♂ |  | RPR-UMP |  |
| Vassiliou, Androulla | Education, Culture, Multilingualism and Youth | ♀ |  | ED |  |
| Šemeta, Algirdas | Taxation, Customs, Statistics, Audit and Anti-Fraud | ♂ |  | none |  |
| de Gucht, Karel | Trade | ♂ |  | VLD |  |
| Geoghegan-Quinn, Máire | Research, Innovation and Science | ♀ |  | Fianna Fail | independent |
| Lewandowski, Janusz | Financial Programming and Budget; left office July 2014 | ♂ |  | Civic Platform |  |
| Dominik, Jacek | Financial Programming and Budget; entered office July 2014 | ♂ |  | PO |  |
| Damanaki, Maria | Maritime Affairs and Fisheries | ♀ |  | PASOK |  |

| | | | | | |
|-----------------------|---|---|---|-----------------------|---|
| Georgieva, Kristalina | International Cooperation, Humanitarian Aid and Crisis Response | ♀ |  | none |  |
| Oettinger, Günther | Energy | ♂ |  | CDU |  |
| Hahn, Johannes | Regional Policy | ♂ |  | ÖVP |  |
| Hedegaard, Connie | Climate Action | ♀ |  | DKF |  |
| Füle, Štefan | Enlargement and European Neighbourhood Policy | ♂ |  | Social Democrats |  |
| Andor, László | Employment, Social Affairs and Inclusion | ♂ |  | Socialist |  |
| Malmström, Cecilia | Home Affairs | ♀ |  | Liberal People's Part |  |
| Cioloș, Dacian | Agriculture and Rural Development | ♂ |  | none |  |

| | | | | | |
|--|----------------------------|---|---|---|-------------------|
| Dalli, John | Health and Consumer Policy | ♂ |  |  | Nationalist Party |
| Borg, Tonio | Health and Consumer Policy | ♂ |  |  | Nationalist Party |
| Commissioners from the newly acceding member states took office on 1 July 2013 | | | | | |
| Mimica, Neven | Consumer Policy | ♂ |  |  | SDP |

APPENDIX B – VOTING WEIGHTS IN THE COUNCIL

| | Voting Weights | | |
|----------------|-----------------------|----------------------|----------------------|
| | Until 31 October 2004 | From 1 November 2004 | From 1 November 2014 |
| Austria | 4 | 10 | 1.71% |
| Belgium | 5 | 12 | 2.21% |
| Bulgaria | n/a | 10 | 1.40% |
| Croatia | n/a | 7 | 0.82% |
| Cyprus | 2 | 4 | 0.17% |
| Czech Republic | 5 | 12 | 2.04% |
| Denmark | 3 | 7 | 1.12% |
| Estonia | 3 | 4 | 0.26% |
| Finland | 3 | 7 | 1.07% |
| France | 10 | 29 | 13.05% |
| Germany | 10 | 29 | 16.06% |
| Greece | 5 | 12 | 2.11% |
| Hungary | 5 | 12 | 1.92% |
| Ireland | 3 | 7 | 0.91% |
| Italy | 10 | 29 | 12.00% |
| Latvia | 3 | 4 | 0.39% |
| Lithuania | 3 | 7 | 0.57% |
| Luxembourg | 2 | 4 | 0.11% |
| Malta | 2 | 3 | 0.09% |
| Netherlands | 5 | 13 | 3.37% |
| Poland | 8 | 27 | 7.43% |
| Portugal | 5 | 12 | 2.02% |
| Romania | n/a | 14 | 3.87% |

Appendix B – Voting Weights in the Council

| | | | |
|----------------|-----------------|---|---|
| Slovakia | 3 | 7 | 1.06% |
| Slovenia | 3 | 4 | 0.40% |
| Spain | 8 | 27 | 9.09% |
| Sweden | 4 | 10 | 1.96% |
| United Kingdom | 10 | 29 | 12.79% |
| QMV Threshold | 88 of 119 votes | <p>EU-25: <u>232 of 321 votes</u> EU-27: <u>255 of 345 votes</u> EU-28: 260 of 352 votes</p> <p>and majority of member states and ≥ 62% of population</p> | 55% of member states and ≥ 65% of the population |

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SUMMARY

This thesis set out to answer the research question *How do Commissioners' characteristics influence their behaviour and consequently the EU's legislative process?* Given the Commission's central position in the EU's system of governance as legislative agenda-setter, improving our understanding of individual Commissioners is very relevant both to discussions about the alleged democratic deficit and about possible Commission reforms.

To answer this question, a theoretical framework was developed based on a principal-agent model. With the Commission appointment representing the initial delegation of authority from the member state governments (principals) to the Commissioners (agents). It was argued that the responsible Commissioner enjoys ministerial discretion (within limits) and that consequently the preferences of individual Commissioners matter. Spatial models were then developed to model how individual Commissioners can use their discretion in the inter-institutional legislative process to position legislative outcomes as close to their own ideal point as possible

Based on this theoretical framework it was expected that a Commissioner's nationality and membership in a political party are characteristics that have a decisive impact on how a Commissioner fulfils her tasks once in office. To test this expectation, six hypotheses were derived in chapter 4 and put to test empirically in chapter 5 through 7 using different data sources. The first part of the

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research question about the consequences of Commissioner characteristics for their behaviour was evaluated using the transcripts of speeches as a directly observable behaviour. For the second part of the research question about the impact on the legislative process, a more indirect measure was used. In this case, the voting records of the other legislative institutions – the Council and the EP, respectively – were analysed.

In chapter 5, Commissioner speeches were analysed as a direct measure of Commissioner behaviour. The focus was on the effect of a government change in the Commissioner's home country on the position the Commissioner takes in her speeches. It was expected that as the party that appointed the Commissioner has lost its governing power this affects the behaviour of its agent, resulting in hypothesis 1: 'A change in the government status of a Commissioner's national party leads to a change of the positions a Commissioner takes in her speeches.' To test this hypothesis, 4,185 speeches held by Commissioners of the first Barroso Commission between November 2004 and February 2010 were downloaded. These were categorized into 'Commissioner – Topics', bringing together all speeches an individual Commissioner held on a given topic. There were 62 Commissioner – Topics with ten or more speeches, which could be utilised for further analysis.

The unsupervised automatic text analysis method Wordfish was used to extract the positions Commissioners took in the individual speeches that were part of these 62 Commissioner topics. Within the Commissioner – Topics, the positions were traced over time to test whether a government change leads to a change of positioning. Two

alternative reasons for changing positions were also tested in the chapter. First, Commissioners were expected to change the position they take in speeches in response to developments in the policy field they were responsible for. Second, also external shocks were expected to have an impact on positioning, with the onset of the global financial crisis being the only such shock in the time period under investigation.

Overall, Commissioners changed positions they took in speeches on topics in which policy developments were observed. Likewise, in seven out of nine Commissioner –Topics expected to be affected by the financial crisis, the positions taken before the Lehman Brothers bankruptcy were indeed different from those taken afterwards. However, a change in the government status of the Commissioner's party did not result in discernible changes in the positions taken in speeches. Hypothesis 1 thus needs to be rejected. It seems that Commissioners' national political parties are indeed only one of several principals so that Commissioners are not predominantly concerned with politics in their home countries but that policy-related developments have a larger influence on the positions they take in speeches.

In chapters 6 and 7, the consequences of Commissioner characteristics on their behaviour were measured indirectly. Here, voting in the Council and the European Parliament was examined as behaviour of others in response to Commissioner actions. For both institutions, the votes on legislative proposals were studied.

In chapter 6, hypotheses 2 through 4 on the impact of national and partisan ties between Commissioners and member states in the

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Council were tested. Hypothesis 2 expected that legislative proposals are less likely to be contested by a member state in the Council if the proposing Commissioner comes from that member state. Likewise, the general expectation of hypothesis 3 was that legislative proposals are less likely to be contested by a member state in the Council if the proposing Commissioner shares partisan ties with the government of the voting member state. Two different operationalizations of partisan ties were tested. First, hypothesis 3a took a narrow understanding by focussing on whether the proposing Commissioner and the responsible national minister were a member of the same EPG. Second, hypothesis 3b took a wider understanding by focussing on whether the proposing Commissioner and any of the parties in government were a member of the same EPG. Finally, hypothesis 4 expected the effects of national and partisan ties to differ across policy fields, with national ties expected to be more important when voting on proposals subject to redistributive conflict (hypothesis 4a) and partisan ties expected to be more important when voting on proposals subject to left-right conflict (hypothesis 4b).

These hypotheses were put to test using data on Council voting on legislative proposals made by members of the Prodi and Barroso Commissions. Only contested votes, i.e. those in which at least one member state voted against the proposal or abstained from voting, were included. In total, 15,994 individual votes on 687 legislative proposals from up to 28 member states were analysed using cross-classified logistic regression models. Overall, hypothesis 2 is supported in that a country match decreases the probability of contestation (from 0.14 to 0.09, according to model 2 in table 6.2).

There is mixed evidence concerning the effect of partisan ties. While if the Commissioner and any of the parties in government share such ties the probability of contestation slightly decreases (from 0.146 to 0.128, according to model 5 in table 6.2), this is not the case if Commissioner and the responsible minister are members of the same EPG. Hypothesis 3b is thus supported, whereas hypothesis 3a is not.

Regarding the impact of the conflict dimension, member states are overall more likely to contest proposals subject to left-right conflict, while they are less likely to contest proposals subject to a redistributive conflict. However, there is no interaction effect between shared characteristics and the major conflict dimension. Neither are national ties more important for redistributive proposals nor are partisan ties more important for left-right proposals; hypotheses 4a and 4b are thus not supported. Shared national and partisan ties thus ease inter-institutional decision-making between the Commission and the Council, with nationality taking precedence over partisanship.

In chapter 7, an analysis of the impact of national and partisan ties between Commissioners and MEPs was carried out, testing hypotheses 5 and 6. Hypothesis 5 expected that legislative proposals are less likely to be contested by MEPs that come from the same member state as the proposing Commissioner. And hypothesis 6 expected that legislative proposals are less likely to be contested by MEPs that share partisan ties with the proposing Commissioner. To test these hypotheses, roll-call voting data from

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EP 6 (2004–2009) and the first years of EP 7 (2009–2011) was used, with the vote choice of individual MEPs as unit of analysis.

Again, cross-classified logistic regression models were estimated. The models for EP 6 are based on more than 570,000 individual votes that 883 different MEPs from 185 national parties and 27 member states cast on 966 legislative RCVs. The results for EP 7 are based on more than 310,000 individual votes of 759 MEPs from 175 national parties and 27 member states on 495 legislative RCVs. The results vary over time. The data for EP 6 support neither of the hypotheses. Both party and country match significantly increase the likelihood of contestation. Interestingly, interacting the two variables has the expected effect in that if the country matches, a party match reduces the likelihood of contestation, while it increases the likelihood of contestation if the country does not match. In contrast, the data for EP 7 support both hypotheses 5 and 6 (model 3, table 7.7). Country match and party match both decrease the likelihood of MEPs casting a contesting vote. Party match almost halves the probability of contestation (from 21.1% to 12.1%), while country match only has a small negative effect (reduction to 20.2%). Also during this term, the interaction between both variables has the aforementioned effect.

In sum, it seems that the European Parliament is just another forum for the competition between national parties beyond the domestic stage. It is not ‘merely’ shared nationality or membership in the same party family that decreases contestation, but quite specifically being a member of the same national party that is doing the trick. As expected, analysing RCVs in the EP allows for different insights than

analysing Council voting. For the Council it was concluded that nationality takes precedence over partisanship in decreasing the likelihood of contestation. This is not true for the EP, in which neither nationality nor membership in the same EPG have a consistent effect on vote choice. Only the interaction has a consistent negative effect on the likelihood of contestation.

To conclude, the analyses conducted in this thesis suggest that neither nationality nor party membership have a decisive impact on Commissioner behaviour in terms of speech-making. Still, these characteristics seem to impact inter-institutional relations in the EU's legislative process. In their relation with the Council, a Commissioner's nationality takes precedence over her partisanship. In their relation with the EP, national party competition seems to be continued given that proposals from Commissioners from the same national party are hardly contested whereas the likelihood of contestation increases if the Commissioner comes from the same member state but is a member of a nationally competing party. To answer the research question, nationality and party membership – two central characteristics of Commissioners as European politicians – do not seem to solely determine Commissioners' behaviour. At least in terms of their speech-making, more position-related processes like policy developments have a larger impact on their behaviour. Still, these two characteristics seem to have an impact on the legislative process as shared characteristics affect inter-institutional cooperation.

The results also have implications for the discussions on the alleged democratic deficit and possibilities of reducing the size of the

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College. Regarding the former, during the time period under investigation, party membership did not provide the assumed accountability. This might have changed more recently due to the *Spitzenkandidaten*-procedure, which deserves further investigation. Regarding the latter, given that national linkages seem to consistently ease inter-institutional relations – albeit to differing extents across institutions and time, it seems warranted that smaller member states are afraid of losing their voice ‘in Brussels’ if they lose their Commissioner. Overall, Commissioners appear to be torn between different principals with nationality and partisanship – as operationalised in this thesis – only explaining little of the observed variance.

ZUSAMMENFASSUNG⁵⁸

In dieser Doktorarbeit wird die folgende zentrale Forschungsfrage untersucht: Wie beeinflussen Charakteristiken von europäischen Kommissaren deren Verhalten und im Folgenden den Gesetzgebungsprozess der Europäischen Union? Die Kommission ist der ‚legislative Agenda-Setter‘ im Regierungssystem der EU. Wegen dieser zentralen Position ist es sehr relevant das Verständnis des Einflusses von individuellen Kommissaren zu verbessern. Diese Einsichten können dann Beiträge zu der Diskussion um ein vermeintliches Demokratiedefizit der EU leisten sowie Ansatzpunkte für Reformen der Europäischen Kommission bieten.

Um die Forschungsfrage zu beantworten wurde ein theoretische Rahmen entwickelt, der auf Prinzipal-Agent-Modellen basiert. Hierbei stellt die Ernennung der Kommission die erste Delegation von Autorität von den Regierungen der Mitgliedsstaaten (Prinzipale) an die Kommissare (Agenten) dar. Es wurde argumentiert, dass der verantwortliche Kommissar innerhalb seines Portfolios ministerielle Diskretion genießt, die durch verschiedene Kommissions-interne und -externe Faktoren begrenzt wird. Dementsprechend wird davon ausgegangen, dass die Präferenzen von individuellen Kommissaren für die Kommissions-Position entscheidend sind. Die entwickelten räumliche Modelle modellieren wie einzelne Kommissare ihre

⁵⁸ Ich danke Sabrina Möller für ihre Hilfe beim Erstellen dieser Übersetzung. Aus Gründen der einfacheren Lesbarkeit wird im Folgenden nur die männliche Form verwendet, es sind aber stets Kommissarinnen und Kommissare gleichermaßen gemeint.

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Diskretion im inter-institutionellen Gesetzgebungsprozess nutzen können um die Ergebnisse so nahe an ihrem eigenen Idealpunkt zu positionieren wie möglich.

Basierend auf diesem theoretischen Rahmen wurde erwartet, dass die Nationalität und Parteizugehörigkeit eines Kommissars entscheidenden Einfluss darauf haben, wie ein Kommissar seine Aufgaben nach der Ernennung erfüllt. Um diese Erwartung zu überprüfen wurden in Kapitel 4 sechs Hypothesen formuliert, die in den Kapiteln 5 bis 7 auf Basis verschiedener Datenquellen empirisch überprüft wurden. Der erste Teil der Forschungsfrage, der sich auf die Konsequenzen von Kommissar-Charakteristiken auf ihr Verhalten bezieht, wurde anhand von Redeprotokollen überprüft. Somit wurde ein direkt beobachtbares Verhalten der Kommissare analysiert. Für den zweiten Teil der Forschungsfrage bezüglich des Einflusses auf den Gesetzgebungsprozess, wurde ein indirekteres Maß verwendet. In diesem Fall wurden die Abstimmungsprotokolle der anderen legislativen Institutionen – des Rats der Europäischen Union und des Europaparlaments – analysiert.

In Kapitel 5 wurden Reden von Kommissaren als direktes Maß von Kommissarsverhalten analysiert. Dabei lag der Fokus auf dem Effekt, den ein Regierungswechsel im Heimatland des Kommissars auf die Position hat, die er in seinen Reden vertritt. Es wurde erwartet, dass sobald die Partei, die den Kommissar ernannt hat ihre Regierungsmacht verliert, dies eine Auswirkung auf das Verhalten ihres Agenten hat. Hypothese 1 erwartet also, dass „eine Änderung im Regierungsstatus der nationalen Partei des Kommissars, in einer Veränderung der Positionen, die ein Kommissar in seinen Reden

vertritt resultiert“. Um diese Hypothese zu überprüfen wurden 4.185 Reden von Kommissaren der ersten Barroso Kommission, die zwischen November 2004 und Februar 2010 gehalten wurden, heruntergeladen. Diese wurden anschließend in „Kommissar – Themen“ kategorisiert, die alle Reden eines Kommissars zu einem bestimmten Thema vereinen. Zu 62 dieser Kommissar – Themen wurden zehn oder mehr Reden gehalten, sodass diese für weitergehende Analysen genutzt werden konnten.

Die unüberwachte automatische Textanalysemethode Wordfish wurde genutzt um die Positionen, die Kommissare in den Reden zu diesen 62 Kommissar-Themen eingenommen haben zu berechnen. Innerhalb der Kommissar – Themen wurden die Positionen über Zeit verfolgt, um zu testen ob ein Regierungswechsel zu einer Positionsänderung führt. Zwei alternative Gründe für eine Positionsänderung wurden ebenfalls getestet. Erstens wurde erwartet, dass Kommissare ihre Position in Reaktion auf Entwicklungen in dem Politikfeld, für das sie verantwortlich sind, verändern. Zweitens wurde erwartet, dass auch externe Schocks einen Einfluss auf die Positionierung haben. Der Beginn der globalen Finanzkrise war der einzige solche Schock in der begutachteten Periode.

Insgesamt haben Kommissare die Positionen, die sie in Reden vertreten haben zu solchen Themen verändert bei denen eine Policy-Veränderung beobachtet werden konnte. Ebenso unterschieden sich in sieben von neun Kommissar – Themen, bei denen erwartet wurde, dass sie von der Finanzkrise beeinflusst werden, die Positionen, die vor der Lehman Brothers Pleite vertreten

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wurden von denen, die hinterher vertreten wurden. Unerwarteterweise resultierte eine Änderung des Regierungsstatus der Partei des Kommissars allerdings nicht in eine erkennbare Veränderung der Positionen, die in den Reden vertreten wurden. Hypothese 1 muss somit abgelehnt werden. Es scheint als wären die nationalen politischen Parteien in der Tat nur einer von mehreren Prinzipalen für Kommissare. Dementsprechend scheinen Kommissare nicht vornehmlich mit den Politikentwicklungen in ihrem Heimatland beschäftigt zu sein, sondern Entwicklungen des Politikfeldes haben einen größeren Einfluss auf die Positionen, die sie in ihren Reden vertreten.

In den Kapiteln 6 und 7 wurden die Auswirkungen von Kommissarscharakteristiken auf ihr Verhalten indirekt gemessen. In diesen Kapiteln wurde das Abstimmungsverhalten im Rat der Europäischen Union und im Europaparlament als Verhalten anderer Akteure als Reaktion auf das Handeln von Kommissaren analysiert. Für beide Institutionen wurden Abstimmungen über Gesetzesvorschläge analysiert.

In Kapitel 6 wurden die Hypothesen 2 bis 4 über den Einfluss von nationalen und parteilichen Verbindungen zwischen Kommissaren und Mitgliedsstaaten im Rat getestet. Hypothese 2 erwartete dass es unwahrscheinlicher ist dass Gesetzesvorschläge von Mitgliedsstaaten im Rat angefochten werden, wenn der zuständige Kommissar aus diesem Mitgliedsstaat kommt. Ebenso ist die generelle Erwartung von Hypothese 3, dass es unwahrscheinlicher ist dass Gesetzesvorschläge von Mitgliedsstaaten im Rat angefochten werden, wenn der verantwortliche Kommissar und die

Regierung des abstimmenden Mitgliedsstaates parteiliche Verbindungen haben. Zwei verschiedene Operationalisierungen von parteilichen Verbindungen wurden verwendet. Erstens wurde in Hypothese 3a eine engere Definition gebraucht, bei der der Fokus darauf lag, ob der vorschlagende Kommissar und der verantwortliche nationale Minister Mitglieder der selben europäischen politischen Partei sind. Zweitens, wurde in Hypothese 3b eine Definition genutzt, die sich darauf bezog, ob der vorschlagende Kommissar und irgendeine Regierungspartei Mitglieder der selben europäischen politischen Partei waren. Außerdem wurde in Hypothese 4 die Erwartung formuliert, dass die Effekte von nationalen und parteilichen Verbindungen sich je nach Politikfeld unterscheiden. Demnach wurde erwartet, dass nationale Verbindungen wichtiger sind, wenn Mitgliedsstaaten über Vorschläge abstimmen, die vor allem von umverteilendem Charakter sind (Hypothese 4a), wohingegen erwartet wurde dass parteiliche Verbindungen wichtiger sind, wenn über Vorschläge abgestimmt wird, die einem links-rechts Konflikt unterliegen (Hypothese 4b).

Diese Hypothesen wurden anhand von Daten zum Abstimmungsverhalten im Rat während der Amtszeiten der Prodi und Barroso Kommissionen getestet. Es wurden nur angefochtene Abstimmungen berücksichtigt; also solche, bei denen mindestens ein Mitgliedsstaat gegen den Vorschlag gestimmt hat oder sich enthalten hat. Insgesamt wurden 15.994 individuelle Voten über 687 Gesetzesvorschläge von bis zu 28 Mitgliedsstaaten mithilfe von cross-classified logistischen Regressionsmodellen analysiert. Die Daten stützen Hypothese 2 da eine nationale Verbindung die Wahrscheinlichkeit einer Anfechtung verringert (von 0,14 auf 0,09,

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laut Modell 2 in Tabelle 6.2). Die Ergebnisse bezüglich der Auswirkungen von parteilichen Verbindungen sind unterschiedlich. Während Hypothese 3b gestützt wird, muss Hypothese 3a verworfen werden. Eine parteiliche Verbindung von vorschlagendem Kommissar und einer der Regierungsparteien verringert die Wahrscheinlichkeit einer Anfechtung leicht (von 0,146 auf 0,128, laut Modell 5 in Tabelle 6.2). Dies ist nicht der Fall wenn eine parteiliche Verbindung zwischen vorschlagendem Kommissar und verantwortlichem nationalen Minister betrachtet wird.

Bezüglich des Einflusses der primären Konfliktdimension, lässt sich feststellen, dass Mitgliedsstaaten generell mit größerer Wahrscheinlichkeit Vorschläge anfechten, die einem links-rechts Konflikt unterliegen, während sie mit geringerer Wahrscheinlichkeit solche Vorschläge anfechten, die einem Umverteilungskonflikt unterliegen. Trotzdem gibt es keinen Interaktionseffekt zwischen geteilten Charakteristiken und der Hauptkonfliktdimension. Weder sind nationale Verbindungen wichtiger für umverteilende Gesetzesvorschläge, noch sind parteiliche Verbindungen wichtiger für Gesetzesvorschläge, die einem links-rechts Konflikt unterliegen.

In Kapitel 7 wurden die Auswirkungen von nationalen und parteilichen Verbindungen zwischen Kommissaren und Mitgliedern des Europaparlaments untersucht. So konnten die Hypothesen 5 und 6 getestet werden. In Hypothese 5 wurde die Erwartung formuliert, dass Gesetzesvorschläge mit geringerer Wahrscheinlichkeit von MdEPs angefochten werden, die aus dem gleichen Mitgliedsstaat stammen wie der vorschlagende Kommissar. Und laut Hypothese 6 wurde erwartet, dass Gesetzesvorschläge mit

geringerer Wahrscheinlichkeit von MdEPs angefochten werden, die parteiliche Verbindungen zum vorschlagenden Kommissar haben. Um diese Hypothesen zu testen, wurden Daten zu namentlichen Abstimmungen aus dem sechsten (2004–2009) und den ersten Jahren des siebten (2009–2011) Europaparlaments genutzt. Dabei war das Abstimmungsverhalten der einzelnen Abgeordneten die UoA.

Auch in diesem Fall wurden cross-classifiend logistische Regressionsmodelle geschätzt. Die Modelle für EP 6 basieren auf mehr als 570.000 einzelnen Voten, die 883 verschiedene MdEPs aus 185 nationalen Parteien und 27 Mitgliedsstaaten über 966 Gesetzesvorschläge abgegeben haben. Die Ergebnisse für EP 7 basieren auf mehr als 310.000 individuellen Voten, die 759 MdEPs aus 175 nationalen Parteien und 27 Mitgliedsstaaten über 495 Gesetzesvorschläge abgegeben haben. Die Ergebnisse dieser beiden Legislaturperioden unterscheiden sich. Die Daten für EP 6 stützen keine der beiden Hypothesen. Sowohl parteiliche als auch nationale Verbindungen erhöhen die Wahrscheinlichkeit einer Anfechtung signifikant. Interessanterweise hat die Interaktion dieser beiden Variablen den erwarteten Effekt. Das heißt, wenn beide Akteure aus dem selben Mitgliedsstaat kommen, reduziert eine parteiliche Verbindung die Wahrscheinlichkeit einer Anfechtung, während sie die Wahrscheinlichkeit vergrößert, wenn beide Akteure aus unterschiedlichen Mitgliedsstaaten kommen. Im Gegensatz dazu stützen die Daten für EP 7 sowohl Hypothese 5 als auch Hypothese 6 (Modell 3, Tabelle 7.7). Nationale und parteiliche Verbindungen verringern die Wahrscheinlichkeit, dass ein MdEP einen Gesetzesvorschlag anfechtet. Parteiliche Verbindungen führen

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beinahe zu einer Halbierung der Wahrscheinlichkeit einer Anfechtung (von 21,1% auf 12,1%). Nationale Verbindungen haben nur einen geringen negativen Effekt auf die Anfechtungswahrscheinlichkeit (Reduktion auf 20,2%). Auch während dieser Legislaturperiode hat die Interaktion der beiden Variablen den beschriebenen Effekt.

Es scheint als ob das Europaparlament nur ein weiteres Forum wäre in dem der Konflikt zwischen nationalen Parteien ausgetragen wird. Es ist nicht alleine geteilte Nationalität oder die Mitgliedschaft in der selben europäischen politischen Partei, die eine Anfechtung unwahrscheinlicher machen, sondern es ist sehr genau der Umstand, dass man ein Mitglied der gleichen nationalen Partei ist. Wie erwartet erlaubt die Analyse von namentlichen Abstimmungen im Europaparlament andere Schlüsse als die Analyse von Ratsabstimmungen. Für den Rat wurde geschlussfolgert, dass Nationalität wichtiger ist als Parteimitgliedschaft wenn es um die Verringerung der Anfechtungswahrscheinlichkeit geht. Dies ist nicht der Fall für das Europaparlament, in dem weder Nationalität noch Mitgliedschaft in der selben europäischen politischen Partei einen konsistenten Effekt auf das Abstimmungsverhalten haben. Nur die Interaktion hat einen konsistenten negativen Effekt auf die Anfechtungswahrscheinlichkeit.

Zusammenfassend kann man sagen, dass die Analysen, die in dieser Doktorarbeit zusammengefasst sind, zeigen, dass weder Nationalität noch Parteimitgliedschaft einen entscheidenden direkten Einfluss auf Kommissarsverhalten – hier gemessen als Reden – haben. Trotzdem scheinen diese Charakteristiken die inter-

institutionellen Beziehungen im Gesetzgebungsverfahren zu beeinflussen. In ihrer Beziehung zum Rat spielt die Nationalität einen Kommissars eine wichtigere Rolle als die Parteimitgliedschaft. In ihrer Beziehung mit dem Europaparlament scheint der nationale Parteienwettbewerb fortgesetzt zu werden, da Vorschläge von Kommissaren aus der selben nationalen Partei fast nie angefochten werden, während die Anfechtungswahrscheinlichkeit steigt, wenn der Kommissar aus dem selben Mitgliedsstaat kommt aber Mitglied einer rivalisierenden Partei ist.

Um die Forschungsfrage zu beantworten: Nationalität und Parteimitgliedschaft – zwei zentrale Charakteristiken von Kommissaren als europäische Politiker – scheinen nicht die einzigen Determinanten für Kommissarsverhalten zu sein. Zumindest bezogen auf ihr Redeverhalten, scheinen positions-spezifische Prozesse wie Politikentwicklungen einen größeren Einfluss zu haben. Trotzdem scheinen diese beiden Charakteristiken einen Einfluss auf das Gesetzgebungsverfahren zu haben, das geteilte Charakteristiken die inter-institutionelle Zusammenarbeit beeinflussen.

Die Ergebnisse haben Implikationen für die Diskussionen um ein Demokratiedefizit der EU und die Möglichkeiten die Größe des Kollegiums der Kommissarinnen und Kommissare zu reduzieren. Bezüglich des Demokratiedefizits lässt sich sagen, dass Parteimitgliedschaft im Untersuchungszeitraum nicht den erwarteten Rechenschaftsmechanismus. Dies hat sich seitdem eventuell mit der Einführung des Spitzenkandidaten-Prozesses geändert, was weiterer Forschung bedarf. Bezüglich der Kommissionsreform

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scheint die Befürchtung kleinerer Mitgliedsstaaten ihre Stimme ‚in Brüssel‘ zu verlieren, wenn sie ihren Kommissar verlieren berechtigt zu sein, das nationale Verbindungen inter-institutionelle Beziehungen vereinfachen – auch wenn sich das Ausmaß zwischen den Institutionen und über Zeit unterscheidet. Insgesamt scheinen Kommissare zwischen unterschiedlichen Prinzipalen hin und her gerissen, wobei Nationalität und Parteimitgliedschaft – zumindest so, wie sie in dieser Arbeit operationalisiert wurde – nur einen kleinen Teil der beobachteten Varianz erklären.

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Dit proefschrift behandelt de vraag in hoeverre de eigenschappen van EU-Commissarissen hun gedrag en het wetgevingsproces van de Europese Unie beïnvloeden. Binnen het besluitvormingssysteem van de EU bepaalt de Commissie de wetgevingsagenda. Vanwege hun centrale positie, is het relevant de invloed van individuele Commissarissen op dit systeem na te gaan. Inzicht in die invloed kan een bijdrage leveren aan de discussie over het democratisch tekort van de EU en aan de mogelijkheden de Commissie te hervormen.

Om de onderzoeksvraag te beantwoorden, is in hoofdstuk 3 een theorie ontwikkeld, die op principaal-agent-modellen en ruimtelijke modellen is gebaseerd. De benoeming van de Commissie is de eerste stap in een systeem waarbij de overdracht van bevoegdheden plaatsvindt van de nationale regeringen (de principalen) aan de Commissarissen (de agenten). Er wordt betoogd dat de verantwoordelijk Commissaris discretionaire bevoegdheden heeft, die door verschillende Commissie-interne en -externe factoren worden begrensd. Aangenomen wordt dat de voorkeuren van individuele Commissarissen van belang zijn voor de opstelling van de gehele Commissie. De ruimtelijke modellen die zijn gebruikt, laten zien hoe individuele Commissarissen hun discretionaire bevoegdheid in het wetgevingsproces kunnen gebruiken, zodat de uitkomsten zo dicht mogelijk bij hun eigen voorkeuren liggen.

Op basis van de ontwikkelde theorie werd verwacht dat de nationaliteit en de politieke kleur van een Commissaris van

⁵⁹ Met dank aan Joost van den Akker en Henk van der Kolk voor hun hulp met deze vertaling.

doorslaggevende invloed zijn op hoe een Commissaris zijn of haar taken na benoeming vervult. Om deze verwachting te toetsen, zijn in hoofdstuk 4 zes verwachtingen geformuleerd die in de hoofdstukken 5, 6 en 7 met behulp van diverse datasets zijn onderzocht.

In hoofdstuk 5 zijn transcripten van toespraken gebruikt om te onderzoeken of eigenschappen van de Commissaris invloed hebben op zijn of haar gedrag. Daarmee is een deel van het direct waarneembare gedrag van de Commissarissen geanalyseerd. De focus bij dit deel van het onderzoek lag op het effect van een regeringswisseling in het land van de Commissaris op de stellingname in zijn of haar toespraken. Naar verwachting zou het in de oppositie belanden van de politieke partij die de Commissaris had benoemd van invloed zijn op het gedrag van de Commissaris. Meer specifiek verwachtten we dat een regeringswissel van de partij van de Commissaris tot een gewijzigde stellingname van die Commissaris in zijn of haar toespraken zou leiden. Om dit te toetsen zijn 4.185 toespraken van de leden van de eerste Commissie-Barroso geanalyseerd, gehouden tussen november 2004 en februari 2010. Deze toespraken werden vervolgens in *Commissaris-onderwerpen* gecategoriseerd. De Commissaris-onderwerpen omvatten alle toespraken van een bepaalde Commissaris over een specifiek onderwerp, zoals 'Dimas-Milieu'. 62 van deze Commissaris-onderwerpen omvatten tien of meer toespraken zodat ze konden worden gebruikt voor verdere analyse.

De tekstanalysemethode Wordfish is gebruikt om de posities te berekenen die Commissarissen in de toespraken over deze 62 Commissaris-onderwerpen ingenomen hebben. Binnen de Commissaris-onderwerpen zijn de posities in de tijd gevolgd. Zo kon worden onderzocht of een regeringswissel leidde tot een positieverandering. Daarnaast zijn twee alternatieve verklaringen voor een positieverandering geformuleerd. Ten eerste werd

verwacht dat Commissarissen van positie zouden veranderen als reactie op actuele ontwikkelingen op het beleidsterrein waarvoor zij verantwoordelijk zijn. Ten tweede werd verwacht dat externe schokken invloed zouden hebben op de positionering van Commissarissen.

Uit het onderzoek kwam naar voren dat de Commissarissen hun standpunt in toespraken in de tijd hebben gewijzigd bij onderwerpen waarbij een beleidswijziging is waargenomen. Bij negen Commissaris–onderwerpen werd verwacht dat ze door de financiële crisis zouden zijn beïnvloed. In zeven gevallen verschilden inderdaad de standpunten die werden ingenomen vóór het faillissement van Lehman Brothers van de standpunten die daarna werden ingenomen. Echter, een regeringswissel van de partij van de Commissaris leidde niet tot een waarneembare verandering in de stellingname in de toespraken. De verwachting over de effecten van nationaliteit en partijlidmaatschap op de door de Commissaris uitgesproken toespraken moest daarom worden verworpen. Het lijkt erop dat landelijke politieke partijen slechts een van meerdere *principalen* voor EU-Commissarissen zijn. Commissarissen lijken derhalve niet primair beïnvloed te worden door politieke ontwikkelingen in hun thuisland. Beleidsontwikkelingen hebben een grotere impact op de standpunten die Commissarissen in hun toespraken verwoorden.

Voor het onderzoeken van de invloed van kenmerken van de commissaris op het wetgevingsproces is in de hoofdstukken 6 en 7 een meer indirecte methode toegepast, waarbij het stemgedrag binnen de wetgevende instellingen - de Raad van de Europese Unie en het Europees Parlement – is geanalyseerd. Het stemgedrag is daarbij gebruikt als graadmeter voor de reactie op voorstellen van individuele Commissarissen. Voor beide instellingen zijn de stemmingen over wetsvoorstellen bestudeerd.

In hoofdstuk 6 werden drie verwachtingen onderzocht. Allereerst werd verwacht dat het minder waarschijnlijk is dat een wetsvoorstel in de Raad wordt aangevochten door de lidstaat waaruit de Commissaris afkomstig is die verantwoordelijk is voor de voorgestelde wetgeving. Daarnaast leek het minder waarschijnlijk dat een wetsvoorstel in de Raad zou worden aangevochten door een lidstaat wanneer de verantwoordelijke Commissaris en de regering van die lidstaat tot dezelfde partij behoren. Bij het toetsen van deze tweede verwachting werden twee verschillende operationalisering van partijverbanden gebruikt. In de eerste plaats was dat een engere definitie, waarin werd nagegaan of de voorstellende Commissaris en de verantwoordelijke minister lid waren van dezelfde Europese politieke partij. Ten tweede werd een bredere definitie gebruikt waarin werd nagegaan of de voorstellende Commissaris en ten minste één van de regeringspartijen lid waren van dezelfde Europese politieke partij. De derde verwachting die werd onderzocht in hoofdstuk 6 was dat de effecten van een overeenkomende nationaliteit en partijkleur zouden verschillen, afhankelijk van het beleidsterrein. Zo werd verwacht dat er bij wetsvoorstellen over herverdeling van geld en middelen een groter belang zou worden gehecht aan of de verantwoordelijke Commissaris uit de stemmende lidstaat komt dan bij andere wetsvoorstellen. Ook werd verwacht dat bij wetsvoorstellen die onderwerp zijn van een links-rechts-debat groter belang zou worden gehecht aan de overeenkomende partijkleur.

Al deze verwachtingen zijn getoetst aan de hand van gegevens over stemgedrag in de Raad tijdens de ambtstermijn van de Commissies Prodi en Barroso. Alleen stemmingen waarbij ten minste één lidstaat tegen heeft gestemd of zich van stemming heeft onthouden zijn daarbij geanalyseerd. In totaal werd er door 28 lidstaten gestemd over 687 wetsvoorstellen en dat leverde 15.994 stemmen op. Deze stemmingen zijn geanalyseerd met behulp van *cross-classified*

logistische regressiemodellen. De gegevens ondersteunen de verwachting dat het minder waarschijnlijk is dat een wetsvoorstel in de Raad wordt aangevochten door de lidstaat waaruit de Commissaris afkomstig is die verantwoordelijk is voor de voorgestelde wetgeving. Die kans op een tegenstem neemt af van 14% tot 9% wanneer de verantwoordelijke Commissaris afkomstig is uit de stemmende lidstaat (volgens model 2 in tabel 6.2). De resultaten met betrekking tot de effecten van de partijkleur zijn minder eenduidig. Als de voorstellende Commissaris afkomstig is uit een van de regeringspartijen vermindert de kans op onenigheid enigszins 14,6% tot 12,8% (volgens model 5 in tabel 6.2). Dit is echter niet het geval wanneer de Commissaris en de verantwoordelijke minister lid zijn van dezelfde Europese politieke partij.

Uit het onderzoek naar het effect van het beleidsterrein waarover werd gestemd kwam naar voren dat de lidstaten over het algemeen meer geneigd zijn voorstellen te betwisten die onderhevig zijn aan een links-rechts-debat, en minder geneigd zijn voorstellen aan te vechten die onderdeel zijn van een herverdelingsdebat. Er is echter geen interactie-effect waargenomen tussen de overeenkomende eigenschappen en de belangrijkste conflictdimensie. Evenmin is overeenkomende nationaliteit belangrijker in het geval van herverdelende wetsvoorstellen, noch is overeenkomende partijkleur belangrijker in het geval van wetsvoorstellen die onderdeel zijn aan een links-rechts-debat.

Hoofdstuk 7 onderzocht de effecten van overeenkomende nationaliteit en partijkleur tussen Commissarissen en leden van het Europees Parlement. Verwacht werd, dat wetsvoorstellen minder zouden worden aangevochten door EP-leden uit dezelfde lidstaat als de voorstellende Commissaris. Ook werd verwacht dat wetsvoorstellen minder snel zouden worden aangevochten door EP-

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leden die tot dezelfde partij behoren als de voorstellende Commissaris. Om deze verwachtingen te testen zijn data gebruikt van hoofdelijke stemmingen tijdens de 6^e zittingsperiode (2004-2009; EP-6) en de eerste jaren van de 7e zittingsperiode (2009-2011; EP-7). Het stemgedrag van de individuele parlementariërs was de onderzoekseenheid.

De geschatte *cross-classified* logistische regressiemodellen voor EP-6 zijn gebaseerd op de 570.000 individuele stemmen die door 883 verschillende EP-leden van 185 nationale partijen uit 27 lidstaten zijn uitgebracht over 966 wetsvoorstellen. De resultaten voor EP-7 zijn gebaseerd op meer dan 310.000 individuele stemmen die zijn uitgebracht door 759 EP-leden van 175 nationale partijen en 27 lidstaten over 495 wetsvoorstellen. De resultaten verschillen tussen deze twee zittingsperiodes. De gegevens voor EP-6 ondersteunen de verwachtingen niet: integendeel, zowel dezelfde partijkleur als dezelfde nationaliteit verlagen de kans op onenigheid niet, maar verhogen deze aanzienlijk. Interessant is dat de interactie van dezelfde nationaliteit en partijkleur wel het verwachte effect heeft. Als beide actoren uit dezelfde lidstaat komen, vermindert dezelfde partijkleur de kans op onenigheid, terwijl de kans op onenigheid groter is als beide actoren uit verschillende lidstaten komen.

De gegevens voor EP-7 ondersteunen beide verwachtingen over de relatie tussen Commissie en EP wel: dezelfde partijkleur en nationaliteit *verminderen* de kans dat een EP-lid een wetsvoorstel betwist. Dezelfde partijkleur halveert hier bijna de waarschijnlijkheid van onenigheid (van 21,1% tot 12,1%), terwijl de afkomst uit dezelfde lidstaat hier slechts een gering negatief effect op heeft (van 21,1% tot 20,2%). Ook tijdens deze zittingsperiode heeft de interactie van de twee variabelen het beschreven effect.

Kortom, het lijkt erop dat het Europees Parlement een van de arena's is waar de strijd tussen nationale partijen verder gevoerd wordt. Het is niet alleen dezelfde nationaliteit of het lidmaatschap van dezelfde Europese politieke partij die de kans op onenigheid onwaarschijnlijker maken, maar juist het feit dat de actoren leden van dezelfde nationale partij zijn.

Zoals verwacht biedt de analyse van de hoofdelijke stemmingen in het Europees Parlement andere inzichten dan de analyse van de stemmingen in de Raad. In de Raad geldt dat nationaliteit belangrijker is dan partijlidmaatschap als het gaat om het verminderen van de kans op onenigheid. Dit geldt niet voor het Europees Parlement, waarin noch de nationaliteit noch het lidmaatschap van dezelfde Europese politieke partij een consistent effect op het stemgedrag heeft. Alleen de interactie heeft een consistent negatief effect op de waarschijnlijkheid van onenigheid.

In het geheel laten de analyses die in dit proefschrift zijn vervat zien, dat nationaliteit noch partijlidmaatschap van doorslaggevende invloed zijn op het gedrag van EU-Commissarissen in termen van het houden van toespraken. Niettemin lijken deze eigenschappen de inter-institutionele relaties in het wetgevingsproces van de EU te beïnvloeden. In zijn of haar relatie met de Raad speelt de nationaliteit van een Commissaris een belangrijkere rol dan zijn of haar partijlidmaatschap. In zijn of haar relatie met het Europees Parlement lijkt de nationale strijd tussen partijen te worden voortgezet, omdat voorstellen van Commissarissen van dezelfde partij bijna nooit betwist worden, terwijl de kans op onenigheid groter is wanneer de Commissaris uit dezelfde lidstaat komt, maar lid is van een concurrerende partij.

Om de onderzoeksvraag te beantwoorden: nationaliteit en partijlidmaatschap – twee centrale eigenschappen van Commissarissen als Europese politici – lijken niet de enige

bepalende factoren voor hun gedrag te zijn. Ten minste met betrekking tot hun stellingname in toespraken, lijken positie gerelateerde processen zoals beleidsontwikkelingen een grotere invloed te hebben. Niettemin lijken deze twee eigenschappen van invloed te zijn op het wetgevingsproces, aangezien matchende eigenschappen de inter-institutionele samenwerking beïnvloeden.

De resultaten uit deze studie kunnen worden betrokken bij discussies over het vermeende democratisch tekort van de EU en over manieren om het aantal leden van de Commissie te verminderen. Wat betreft het democratisch tekort kan gesteld worden dat het partijlidmaatschap van Commissarissen tijdens het onderzochte tijdvak onvoldoende informatie over hun handelingen geeft. Dit biedt dus niet het verwachte verantwoordingsmechanisme. In hoeverre dit is veranderd met de introductie van het *Spitzenkandidaten*-proces verdient nader onderzoek. Met betrekking tot de hervorming van de Commissie lijkt de vrees van kleinere lidstaten gerechtvaardigd dat ze hun stem 'in Brussel' verliezen als ze geen Commissaris mogen benoemen, aangezien dezelfde nationaliteit de inter-institutionele relaties vergemakkelijkt, zelfs als de schaal tussen de instellingen en naar verloop van tijd varieert. Over het algemeen lijken Commissarissen heen-en-weer getrokken te worden tussen verschillende *principalen*, waarbij hun nationaliteit en partijlidmaatschap slechts een klein deel van de waargenomen variantie verklaren.

This thesis set out to answer the research question *How do Commissioners' characteristics influence their behaviour and consequently the EU's legislative process?* Given the Commission's central position in the EU's system of governance as legislative agenda-setter, improving our understanding of individual Commissioners is very relevant. It was argued that the responsible Commissioner enjoys ministerial discretion (within limits) and that consequently the preferences of individual Commissioners matter. It was expected that a Commissioner's nationality and membership in a political party are characteristics that have a decisive impact on how a Commissioner fulfils her tasks once in office.

The first part of the research question about the consequences of Commissioner characteristics for their behaviour was evaluated using the transcripts of speeches as a directly observable behaviour. For the second part of the research question about the impact on the legislative process, a more indirect measure was used. In this case, the voting records of the other legislative institutions – the Council and the EP, respectively – were analysed. The analyses conducted in this thesis suggest that neither nationality nor party membership have a decisive impact on Commissioner behaviour in terms of speech-making. Still, these characteristics seem to impact inter-institutional relations in the EU's legislative process. In their relation with the Council, a Commissioner's nationality takes precedence over her partisanship. In their relation with the EP, national party competition seems to be continued. To answer the research question, nationality and party membership – two central characteristics of Commissioners as European politicians – do not seem to solely determine Commissioners' behaviour.